



**County of Amador**

**Grand Jury Final Report**

**2008 – 2009**



Preston Castle, Ione, CA.

Photo: Courtesy of the Ledger Dispatch



## *Building Dedication*



This year, the 2008-2009 Amador County Grand Jury had the privilege of utilizing new facilities, provided by the County of Amador. This new grand jury room, located within the Health and Human Services building on Locomotive way, has provided an excellent environment to work and perform our best possible service as this year's grand jury. The room is not only large enough to accommodate all of the 19 members, but it is also filled with the necessary tools needed to perform the demanding task of compiling the annual Amador County Grand Jury report. This year's grand jury is grateful to previous grand juries for working so hard to bring the hope of a new facility to fruition. We are also grateful to be able utilize the new facilities provided, and are confident that the 2009-2010 Amador County Grand Jury, as well as subsequent grand juries, will find the improved working conditions to be equally beneficial.



**County of Amador**

**Grand Jury Final Report**

**2008 – 2009**



Amador County Offices Building, Jackson, CA



CHAMBERS OF  
**SUSAN C. HARLAN**  
JUDGE

# Superior Court of the State of California County of Amador

June 17, 2009

500 Argonaut Lane  
Jackson, CA 95642

Vince Murdock, Foreman  
Amador County Grand Jury  
P.O. Box 249  
Jackson, CA 95642

Dear Mr. Murdock and Members of the 2008-2009 Grand Jury:

It seems that just about everyone is overwhelmed with the challenges of families, jobs and tough economic times. Despite these difficulties, you volunteered your service for the past year.

This years report demonstrates a commitment to long hours and the courage to investigate matters of concern in our community. Leadership is not easy. Recommendations that are made have far reaching impacts. It is not uncommon to wonder if the recommendations will really make a difference. Rest assured you are not alone in your thoughts. On the night President Abraham Lincoln was assassinated, he had the following items in his pockets: a handkerchief embroidered "A. Lincoln", a country boy's pen knife, a spectacles case repaired with string, a purse containing a \$5 bill – *Confederate money (!)* and some old and worn newspaper clippings. Apparently the "clippings" referenced the great deeds of Abraham Lincoln. One of them actually reported a speech by John Bright that said that Abraham Lincoln is "one of the greatest men of all times".

Today, the world knows the greatness of Abraham Lincoln, but in 1865 millions shared a contrary view. It is interesting to think of this well honored man seeking solace and self-assurance from a few old newspaper clippings.

There may not be too many newspaper clippings recognizing your significant contributions. So I want you to know that your hard work will make a difference in our community. I applaud your accomplishment and thank you for serving on the 2008-2009 Grand Jury.

Sincerely,

Susan C. Harlan  
Judge, Amador Superior Court  
County of Amador

SCH/mk



# **INTRODUCTION**

- **Table of Contents**
- **History of Grand Jury**
- **Response Requirements**

# Table of Contents

History of the Grand Jury.....	3
Response Requirements.....	7
<b>City and County Government</b>	
City and County Government Investigation Final Report.....	9
<b>Criminal Justice</b>	
Amador County Detention Facility Inspection and Review.....	19
Mule Creek State Prison Inspection and Review.....	25
Pine Grove Youth Conservation Camp Inspection and Review.....	35
Amador County Preston Youth Correction Facility Inspection and Review.....	41
<b>Education</b>	
Amador County Unified School District Board Training Review.....	47
Amador County Unified School District Dress Code Review.....	51
<b>Elections</b>	
Amador County Elections Observers Panel Review.....	57
<b>Health and Welfare</b>	
Amador County Social Services Review.....	61
Amador County Veteran's Services Review.....	65
<b>Planning and Environment</b>	
Amador Air District Investigation and Review.....	69
Amador County Building Department Review.....	77
Amador County Planning Department Review.....	81
<b>Follow up</b>	
Follow up Report.....	85

## ***History of the Grand Jury***

The civil grand jury investigates and reports on the operation of county and local government entities. The grand jury also investigates misconduct by local public officials.

Amador County Grand Jury  
P.O. Box 249  
Jackson, CA 95642  
Telephone: (209) 223-2574  
Court liaison for grand jury: (209) 257-2658

### **History:**

The grand jury is an investigatory body created for the protection of society and the enforcement of the law. The U.S. Constitution's Fifth Amendment and the California Constitution call for grand juries. Grand juries were established throughout California during the early years of statehood. As constituted today, the grand jury is a part of the judicial branch of government, an arm of the court.

### **Functions:**

There are two types of grand juries: Civil and criminal. The grand jury in Amador County is impaneled on y for civil purposes.

### **Complaints:**

As part of the civil function, the grand jury receives many letters from citizens alleging mistreatment of officials, suspicions of misconduct, or governmental inefficiencies. Complaints received from citizens are acknowledged and investigated for their validity. Such complaints are kept confidential.

If, in the course of their investigations, the grand jury finds willful misconduct in office by public officials or employees, the grand jury can issue an *accusation* for removal of office.

### **Inspection:**

The grand jury may examine all aspects of county and city government and special districts to ensure that the best interests of Amador County citizens are being served. The

grand jury reviews and evaluates procedures, methods and systems utilized by county government to determine whether more efficient and economical programs may be employed. The grand jury is also authorized to:

- Inspect and audit books, records and financial expenditures to ensure that public funds are properly accounted for and legally spent.
- Inspect financial records of special districts in Amador County.
- Inquire into the conditions of jails and detention centers.
- Inquire into charges of willful misconduct in office by public officials or employees.

All grand jury findings and recommendations are issued in written reports at the end of each fiscal year. Each report must be approved by at least 12 members of the grand jury. Within 60 to 90 days, following issuance of a report, officials responsible for matters addressed in the report are required to respond in writing. The new grand jury reviews the responses of the affected public agencies. Grand jury reports become public record and are available for viewing on the website at [www.amadorcour.org/grandjury/grandjury.html](http://www.amadorcour.org/grandjury/grandjury.html).

As can be seen, the grand jury works to ensure that the best interests of the citizens of the county are being served.

### **Organization:**

In Amador County, the grand jury is impaneled annually and is comprised of 19 members. The Superior Court Judge appoints a foreperson who presides at all full jury proceedings and is responsible for directing the business of the grand jury.

Grand jurors are officers of the court, but work as an independent body. It is critical to the effectiveness and credibility of the grand jury that all members function without influence from outside parties.

Most grand jury work is done by committees. These may include; Audit & Finance, County Administration, Education, Health and Human Services, Law Enforcement, and Planning and Environment. Other committees may be appointed as required.

The grand jury and its committees meet several times a week. They meet with county and city officials, visit county facilities, and conduct independent research on matters of interest or concern. The committees report to the full grand jury and conclusions are reached after discussion and study of the issues. The jury may seek advice or request the services of the County Counsel, District Attorney, Advisory Judge of the Superior Court, or State Attorney General.



## **Selection:**

The selection process begins in March of each year. A grand jury candidate pool is developed from voter registration and Department of Motor Vehicle records. Over 700 questionnaires are sent out to potential candidates. After reviewing the questionnaires, the Presiding Judge interviews approximately 70 candidates. Of those interviewed, 30 will be invited back for a random selection draw in which 19 members will be sworn in and given a description of their duties and responsibilities. This new jury begins its year of service on July 1.

## **Confidentiality:**

All complaints to the grand jury are confidential, as are all grand jury proceedings. Jurors may not discuss the business of the jury with spouses, friends, or acquaintances. All discussion of grand jury business must take place in the private where it cannot be overheard by non-jurors.

## **Commitment:**

Persons selected for grand jury service must make a commitment to serve a minimum of 10 hours per week for a period of one year (July 1 thru June 30).

## **Remuneration:**

Grand jurors receive a nominal payment for meetings and are reimbursed for allowable travel.

## **Why Become a Grand Juror?**

Why become a grand juror? Because you will make a difference!

It is a privilege and an honor to be selected. The opportunity to serve may only occur once in a lifetime.

If and when you are asked to serve as a grand juror, you are encouraged to accept this unique opportunity to represent the community in which you live.

This information was copied directly from the official grand jury website at: [www.amadorcourt.org/grandjury/grandjury.html](http://www.amadorcourt.org/grandjury/grandjury.html).

## *Response Requirements*

All agencies that were reviewed or investigated by the grand jury must respond within 90 days to the final report, issued at the end of June, as required by the Penal Code §933.05. The public agency must address the response to the presiding judge of the Superior Court. An Elective Officer or Agency Head must respond within 60 days to the presiding judge of the Superior Court and provide an informational copy to the Board of Supervisors. The findings and recommendations of the report must be addressed in the submitted response.

### **California Penal Code section 933.05:**

(a) For the purposes of subdivision (b) of section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following: (1) The Respondent agrees with the finding. (2) The Respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For the purposes of subdivision (b) of section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following actions: (1) The recommendation has been implemented, with a summary regarding the implemented action. (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame from implementation. (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report. (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a County agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

# **CITY AND COUNTY GOVERNMENT**

- City and County Government Final Report**



**CITY AND COUNTY GOVERNMENT**

**FINAL REPORT**

# **AMADOR COUNTY**

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## **2008-2009 Grand Jury**



### *City and County Government Final Report*

#### **Introduction:**

On April 03, 2008, the Amador County 2008-2009 Grand Jury received a complaint outlining misconduct of the Jackson Valley Fire Chief. The claims were as follows:

1. The individual was responding to, and present on scene, while under the influence of alcohol.
2. This behavior has been an issue and prevalent for several years.
3. A specific instance was quoted in which the Jackson Valley Fire Chief was attempting to help land a helicopter and was asked to leave by his Assistant Chief.
4. Knowledge of this behavior was reported to the Jackson Valley Board of Directors, who supervise the Jackson Valley Fire Protection District.
5. The safety of the general public, as well as that of fellow emergency personnel, was placed at risk.

#### **Background:**

The Jackson Valley Fire Protection District (JVFPD) is a special district, governed by the Jackson Valley Board of Directors (JVBD). The JVBD is governed by the Amador County Board of Supervisors. The JVBD is the governing board for the JVFPD. The Chairperson is appointed by the Amador County Board of Supervisors. The JVFPD is staffed mainly by volunteers, who receive nominal monetary reimbursement. The JVFPD responds to calls involving fires, medical emergencies, and traffic collisions. The structure of this organization is descending in rank; Chief, Assistant Chief, and fireman. This District has two firehouses and an additional building large enough to house one response vehicle only. The City of Ione is an incorporated municipality. The City of Ione has a volunteer fire department, which responds to most emergency calls in conjunction with JVFPD. The structure of The Ione City Volunteer Fire Department is descending in rank as follows; Chief, Assistant Chief, Captain, Engineer, and Firefighters. The Ione City Volunteer Fire Department is governed by the Ione City Council.

### **Responsible Agencies:**

Jackson Valley Fire Protection District  
2714 Quiver Dr.  
Ione, CA 95640  
(209)763-5848

Jackson Valley Board of Directors  
P.O. Box 1309  
Ione, CA 95640  
(209) 736-5848  
(209) 763-5639 fax

Amador County Board of Supervisors  
810 Court St.  
Jackson, CA 95642  
(209) 223- 6470

### **Justification/Jurisdiction:**

California Penal Code: §925. The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. The grand jury may enter into a joint contract with the board of supervisors to employ the services of an expert as provided for in Section 926.

933.5. A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission.

California Penal Code: §933. (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of



supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

### **Method of Evaluation:**

The 2008-2009 Grand Jury investigation into the complaint levied against JVFPD consisted of the following:

#### **Interviews:**

There were twenty-five (25) individuals that were subpoenaed, sworn in, and interviewed concerning the aforementioned claims. This occurred on four different days. Each individual was advised of the rules regarding testimony. Each one was then placed under oath, and admonished after testimony was concluded.

## Documents Reviewed:

- Grand Jury Complaint # 010-08
- Documentation in lieu of Policy and Procedures Manual for the Jackson Valley Fire Department
- Policy and Procedures of the City of Ione Fire Department.
- Policy and Procedures Manual for Cal Fire 2008
- California Business and Professions Code section 306
- Dispatch Logs for Cal Fire Camino from March 2008
- Dispatch Logs for the Amador County Sheriff's Department from March 2008
- Call Log for The Jackson Valley Fire Department from the first half of 2008
- Call Log for The City of Ione Fire Department for the first half of 2008
- Mutual Aid Call Log for The City of Ione Fire Department for the first half of 2008
- The Amador LAFCO Municipal Services Review Findings July 2008 report
- The 1992-1993 Grand Jury Report
- Call Attendance Roster for Jackson Valley for March of 2008.

## **Facts:**

1. Twenty-five (25) individuals were interviewed, pursuant to subpoenas. One witness testified two times, on two different dates. Each time, this witness was summoned by subpoena, placed under oath, and admonished after testimony was concluded.
2. The individuals interviewed are either current or former members of the following organizations.
  - a. The Jackson Valley Fire Protection District
  - b. The American Legion Ambulance Service
  - c. The Ione Fire Department.
  - d. The Jackson Valley Board of Directors
  - e. Cal Fire
3. Of the witnesses, 40% stated that they observed the JVFPD Chief under the influence of alcohol while; responding to calls, at the scene of Jackson Valley Fire, or on mutual aid calls. The witnesses who observed this were able to describe the objective signs and symptoms of a person being under the influence of alcohol.
4. Of the remaining 60% of the witnesses, 38% testified that they had been informed about the JVFPD Chief being under the influence of alcohol while on a scene, but had not observed it first-hand.
5. Two witnesses testified that they had been threatened by the JVFPD Chief. The first witness was threatened when he confronted the JVFPD Chief about the issue of consuming alcohol on the job. During this confrontation, the witness was told that he would lose his position as a firefighter, and would not be able to work in that

capacity again, if the subject was pursued further. The second witness, an Ione Firefighter, was threatened after making a complaint to law enforcement about the JVFPD Chief driving while under the influence of alcohol.

6. It was found that two persons were subject to section 3060 of the Government Code. (See below definition of Government Code §3060). These individuals being the Fire Chief of JVFPD and the Chairperson for the JVBD. These individuals are subject to Government Code sections, §13872, §13873, and Humbert v. Castro Valley Fire Protection District (1963).
7. There has been no valid Operations and Procedures Policy in place for the JVFPD since at least 1992.
8. There is no approved or documented training program in place for the JVFPD.
9. The JVBD is in violation of the Brown Act. The JVBD has not been trained in the Brown Act (California Law, n.d.).
10. The JVBD took no action after receiving a complaint concerning the consumption of alcohol by the individual in question while on calls.
11. Neighboring emergency service departments took no action after receiving complaints concerning the consumption of alcohol, while on calls, by the JVFPD Chief. These departments include the Ione Fire Department, Cal Fire, and American Legion Ambulance Service.
12. The following witnesses gave false, misleading, or inconsistent testimony:
  - a. Chief, Jackson Valley Fire Protection District
  - b. Assistant Fire Chief, Jackson Valley Protection District
  - c. Chief, Ione Fire Department
  - d. Operations Manager, American Legion Ambulance
  - e. Captain, City of Ione Fire Department
  - f. Chairperson, Jackson Valley Board of Directors
13. Testimony was that the Chief of the Ione Fire Department asked the JVFPD Chief to leave the scene of a structure fire, due to his apparent intoxication. His intoxication made the JVFPD Chief more of a detriment than an asset and was cause for concern for the safety of the other firefighters.
14. Testimony was that the Chief of the JVFPD was placed in the back of a patrol car at the scene of a fire call, for unknown reasons, approximately nine years ago. At the time, it was assumed that this was due to the JVFPD Chief being under the influence of alcohol.



15. Testimony also revealed that the JVFPD Chief violated the admonition given him by the Amador County Grand Jury. He openly and defiantly discussed his testimony and tried to ascertain the testimony of others.
16. Testimony was that the JVFPD Chief, subsequent to the hearing, has approached neighboring agencies with a request that the Ione Fire Department discontinue mutual aid within the JVFPD. This would place citizens within the Jackson Valley Fire Protection District at risk. This request by the JVFPD Chief has the testimony given before the Amador County Grand Jury.
17. On at least one occasion, witnesses observed the JVFPD Chief's level of intoxication and requested that he stop providing medical aid to an accident victim. Further, the witness stated that the level of intoxication placed the victim at risk.

Government Code: §3060. An accusation in writing against any officer of a district, county, or city, including any member of the governing board or personnel commission of a school district or any humane officer, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for or in which the officer accused is elected or appointed. An accusation may not be presented without the concurrence of at least 12 grand jurors, or at least eight grand jurors in a county in which the required number of members of the grand jury is 11 (California Law, n.d.).

California Penal Code: §118. (a) Every person who, having taken an oath that he or she will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the State of California be administered, willfully and contrary to the oath, states as true any material matter which he or she knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in which the testimony, declarations, depositions, or certification is permitted by law of the State of California under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of perjury. This subdivision is applicable whether the statement, or the testimony, declaration, deposition, or certification is made or subscribed within or without the State of California.

(b) No person shall be convicted of perjury where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant. Proof of falsity may be established by direct or indirect evidence (California Law, n.d.).

### **Findings:**

1. The JVFPD Chief consistently attempted to perform his duties while impaired under the influence of alcohol. By doing this, he posed a risk to the public.
2. 78% of witnesses were aware of the JVFPD Chief being under the influence of alcohol while attempting to perform his duties. The knowledge of the JVFPD Chief being intoxicated while on scenes was widespread.

3. The Fire Chief for the City of Ione, the Chairperson for the JVBD, a Battalion Chief for Cal Fire, and a Supervisor for the American Legion Ambulance had the knowledge, and the power, to correct this issue and preserve the public safety. It was determined that they turned their back on their responsibility to the safety of the public. The individuals without the immediate power to correct the problem were the ones who eventually brought the problem to the attention of the Amador County Grand Jury. It was found, through testimony, that the individuals who brought this problem to the attention of the Amador County Grand Jury had previously advised their superiors of the issue.
4. Neither proper training, nor Policy and Procedures Manuals for the firefighters at the JVFPD have been implemented. This is the responsibility of the JVFPD Chief and the JVBD. It was also found that, though a previous Amador County Grand Jury investigation brought this to light, the problem continued to be ignored.
5. Members of the JVBD violated the Brown Act (California Law, n.d.).
6. The Chief of the JVFPD gave false testimony to the Amador County Grand Jury.
7. The JVFPD Chief remained on calls after concerns for his level of intoxication had been established. In an attempt to minimize his impact on the scene, the JVFPD Chief was placed in a peripheral job or area and allowed to stay on site.
8. There is no Policy and Procedures Manual in place for the JVFPD. This leaves the firefighters with no direction or guidelines.
9. The JVBD had discussed the issue at hand while not in session and in violation of the Brown Act (California Law, n.d.).
10. The JVFPD Chief obtained the Ione City Fire Department Policy and Procedure Manual, subsequent to the request for production by the Amador County Grand Jury. He then presented it to the Amador County Grand Jury as the manual for the JVFPD. This manual had not been adopted by the JVBD, nor had it been adopted by the JVFPD.
11. The JVFPD Chief is in contempt of court, due to his actions in defiance of the admonitions given to him by the Amador County Grand Jury.
12. There is no procedure for the vetting, and subsequent appointment, of the applicants for the positions on the JVBD by the Amador County Board of Supervisors.
13. There was information received that the JVFPD Chief had not maintained a valid California Driver License. Through testimony, it was determined that there was no mechanism in place to ensure that individuals driving JVFPD equipment were legally entitled to do so. The Grand Jury notes that driving without a valid California Driver

License is a misdemeanor pursuant to section 12500(a) of the California Vehicle Code.

### **Recommendations:**

1. The JVFPD Chief be removed from office, pursuant to Government Code 3060 (Facts 6, 12, 15 & 16 and Findings 1, 4, 6, 10 & 11).
2. The Chairman of the Jackson Valley Board of Directors be removed from office, pursuant to Government Code 3060 (Facts 6 & 9 and Findings 2, 4, 5, & 9).
3. The members of the JVBD need to comply with the Brown Act (Findings 5 & 9).
4. The Jackson Valley Board of Directors need to be trained in the Brown Act., (Fact 9 and Findings 5 & 9).
5. A Policy and Procedures Manual be put in place at the JVFPD. The JVFPD Chief and the Chairperson for the JVBD need to be held accountable for violations, pursuant to Government Code 3060 (Facts 6, 7, & 8 and Findings 4, 8, & 10).
6. The 2009-2010 Amador County Grand Jury continue monitoring this issue to ensure that the above mentioned issues are addressed, including issues pertaining to the Brown Act.
7. The Amador County Board of Supervisors to address the JVBD in the matters brought to light by the 2008-2009 Amador County Grand Jury (Fact 6 and Finding 12).
8. Members of the City of Ione Fire Department, the JVFPD, the JVBD, Cal Fire, and American Legion Ambulance attend ethics training (Facts 10, 11, & 12 and Findings 3, 4, & 6).
9. The Jackson Valley Fire Chief be assessed for violations of California Penal Code section 118 (Finding 6 and Fact 12).
10. A procedure is implemented to ensure applicants have clear and current California Driver Licenses, and continue to maintain a valid driver license during the course of service. A fingerprinting and background procedure is implemented to determine suitability for service in a particular position, as set forth by industry standards for such positions (Findings 12 & 13).

### **Response Required:**

California Penal Code: §933.05. (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the



following: (1) The respondent agrees with the finding. (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions: (1) The recommendation has been implemented, with a summary regarding the implemented action. (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation. (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report. (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

## **References:**

California Law. (n.d.). Perjury Under Oath. Penal Codes: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at §118:

<http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=20860120287+0+0+0&W AISaction=retrieve>

California Law. (n.d.). Authority of Grand Jury. Penal Codes: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=20851920165+0+0+0&W AISaction=retrieve>

California Law. (n.d.). Willful or Corrupt Misconduct in Office. Government Code: §3060. Retrieved on May 12, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=20886220804+0+0+0&W AISaction=retrieve>

California Law. (n.d.). The Brown Act. Government Codes: §54950 – 54963. Retrieved on May 12, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=20898920982+2+0+0&W AISaction=retrieve>

# **CRIMINAL JUSTICE**

- **Amador County Detention Facility Inspection and Review**
- **Mule Creek State Prison Inspection and Review**
- **Pine Grove Youth Conservation Camp Inspection and Review**
- **Preston Youth Correctional Facility Inspection and Review**

**AMADOR DETENTION FACILITY INSPECTION  
AND REVIEW**



## ***Amador County Detention Facility Inspection and Review***

### **Introduction:**

As part of the 2008-2009 Amador County Grand Jury Criminal Justice Committee project plan, an inspection and review of the Amador County Detention Facility, operated by the Amador County Sheriff's Department, was conducted in December 2008. The intent of the inspection was to evaluate the following:

- Health, welfare, and safety of those individuals incarcerated in the facility
- Health, welfare, and safety of those employees assigned to the facility
- Efficiency of facility operations
- Compliance with federal, state, and local statutes, regulations, and policy
- Effectiveness of correctional, educational, and rehabilitation programs
- Security of inmates
- Safety of the community

### **Background:**

The Amador County Detention Facility is operated and maintained by the Amador County Sheriff's Department (ACSD), and is part of the ACSD office and headquarters facility located in Jackson, California. The jail facility was built in 1984, with a planned useable life span of 20 years. Some remodeling occurred in 1999. The jail is a Type II facility, housing inmates who are; serving court ordered sentences to county jail, those awaiting court dates, or transfers to other facilities. About 30 to 40% of the inmates are in need of support from mental health professionals, as many enter the facility in ill health. No juveniles are incarcerated at this facility.

Correctional Officers are responsible for continuous security and safety of inmates and correctional staff. The facility is inspected biennially by the Correctional Standards Authority, pursuant to Penal Code §6031.1, for compliance with Titles 15 and 24 of the California Code of Regulations. Inspections by the State Fire Marshal are also required every two years for compliance with fire safety codes. The Grand Jury inspection and review is required each year, as stated under the jurisdiction heading of this report. The new ACSD administration has relentlessly pursued funding to build a new detention facility, as suggested by the 2007-2008 Grand Jury.



### **Responsible Agency:**

Amador County Sheriff's Department  
700 Court Street  
Jackson, California 95642  
(209) 223-6500

### **Jurisdiction:**

California Penal Code §919 (b) "The grand jury shall inquire into the condition and management of the public prisons within the county" (California Law, n.d.).

### **Method of Evaluation:**

The 2008-2009 Amador County Grand Jury review of the Amador County Detention Facility consisted of the following:

#### Tours and Interviews:

- Tour and inspection of the facility, including the courthouse holding facility
- Interview with ACSD Undersheriff
- Interview with ACSD Captain, Corrections/Court Services Division
- Interview with ACSD Lieutenant, Corrections Bureau
- Interview with ACSD Sergeant, Corrections Bureau
- Interview with ACSD Jail Nurse
- Interviews with 1 female and 1 male inmate

#### Documents Reviewed:

- Current State Fire Marshal Inspection Report
- Current Correctional Standards Inspection Report
- Amador County Sheriff's Department Jail Manual sections
- Amador County Sheriff's Office, Annual Report 2007
- Inmate Medical Screening and Medical Receiving/Screening Forms
- Daily Inmate Plan and Inmate Discipline Form
- Correspondence (inmate)
- Grievance Policy & Procedure (inmate)
- Food (inmate)
- Inmate recreation
- Felony release criteria

#### Additional Methods Used:

- Pre-inspection briefing by jail command staff
- Power Point presentation
- Question and answer session

## **Facts:**

1. From 1999 through 2006, the jail has experienced an inmate/workload increase of 112%, with only an 8% increase in staff. Currently, the jail is allocated 29 staff positions, however because of an Amador County hiring freeze, there are 4 unfilled positions. The March 2008 Corrections Standards Authority (CSA) Report listed inadequate staffing as an “on-going item of non-compliance”.
2. The jail facility was designed in 1984 to house a maximum of 65 male and 11 female inmates for a total of 76 inmates. Current inmate population is 59 males and 22 females, making a total of 81. One female inmate is on Sheriff’s parole, and one male inmate is on Home Electronic Monitoring.
3. In order to control the increasing inmate population, alternate release programs are continually being explored by ACSD staff. Non-violent offenders are reviewed for release on Agreement to Appeal, Sheriff’s Parole, and Electronic Home Monitoring. Electronic Home Monitoring has experienced some problems due to unreliable GPS signals in some upcountry areas.
4. A nurse is on staff daily for 6 hours. The Nurse’s Station is located just inside the Detention Facility from the Sally Port, where arrestees are first taken to start the booking procedure.
5. Two hot meals and one cold meal are provided to inmates. Meal preparation and delivery has been contracted through Alameda County Sheriff’s Department, resulting in a significant savings of \$85,000 per year for the ACSD. The savings included the elimination of two transportation employee positions.
6. Voluntary educational and rehabilitation programs are available and are regularly taken advantage of by inmates.
7. A Video Conferencing Station has been installed in the jail that allows remote trial proceedings between the Superior Court and the jail. This saves money, time, and allows for increased security.
8. The limited laundry facility has been updated, improved, and moved to a new location within the facility.
9. Safety policies and procedures in everyday operations of the facility are strictly enforced and implemented without exception.
10. No serious incidents or injuries have occurred in the last 12 months.
11. The control room, built in 1984, has become obsolete because of its size and equipment. New electronic technology has been added since then, however each new item added has to be stacked up, and ultimately ends up blocking the view of

the cell blocks for the correctional officers. Parts are no longer available to repair much of the main electronic operational equipment, making repairs slow and expensive.

12. The exercise yard was recently sandblasted and repainted with a weather resistant coat of sealant. Inmate labor was used.
13. Staff reported that the community crew is no longer available for work outside of the jail because of staff shortages.
14. Staff reports that the nurse hours should be increased to allow 8 hours per day rather than 6 hours per day. This would aid in distribution of medicine.
15. There is a need for visits by Mental Health staff every day, rather than the current twice weekly visits.
16. The emergency generator is antiquated and unable to supply power to the entire facility in an emergency.
17. The existing facility cannot be expanded because it is located on a very restricted site with no room left to build.

### **Findings:**

1. The jail is overcrowded and under-staffed as reported by CSA and inspection by the Amador County Grand Jury. Staff is forced to use the required sobering cells and safety cells for general housing of inmates at times because of a lack of space. This does not comply with CSA guidelines.
2. The ACSO staff appears to be operating the Amador County Detention Facility with a unity of objective. Morale of staff and inmates appears to be very positive and upbeat, even though met with many obstacles. The facility and operations are clean and orderly, and each member of the team is task oriented and organized. There is a strong sense of team among the staff.
3. The policy of the staff is to treat all inmates with dignity and respect. This was echoed many times not only by staff, but during inmate interviews as well. Staff partly credits this policy with no serious incidents this year.
4. Although met with continuing disappointments and obstacles, the new Sheriff's administration is relentlessly pursuing funding for a new jail facility through AB 900. This was a recommendation of the 2007-2008 Grand Jury.

### **Recommendations:**

1. Continue pursuing funding for a new facility through matching funds legislation AB 900 (Finding 4).
2. Petition County Administration for exemption to fill vacant staff positions that are required to comply with CSA guidelines (Fact 1).

### **Response Required:**

Pursuant to California Penal Code §933(c) response to this report is required, "No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations..." (California Law, n.d.).

### **References:**

California Grand Jury Association (CGJA). (2008). Jail Inspection Handbook: Grand Juror's Training Seminar. Lew Avera, San Clemente, CA.

California Law. (n.d.). Authority of Grand Jury. Penal Codes: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=20851920165+0+0+0&WAIAction=retrieve>

California Law. (n.d.). Grand Jury Inquiry into Public Prisons. Penal Codes: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=26009120682+0+0+0&WAIAction=retrieve>

**MULE CREEK STATE PRISON INSPECTION  
AND REVIEW**





## ***Mule Creek State Prison Inspection and Review***

### **Introduction:**

Pursuant to California Penal Code Section § 919 (b) the grand jury is required to conduct an annual review of the conditions and management of all correctional facilities located within Amador County. As part of the 2008-2009 Amador County Grand Jury Criminal Justice Committee project plan, an inspection and review of the Mule Creek State Prison (MCSP) was conducted on January 7, 2009. The intent of the inspection was to evaluate the following:

- Health, welfare, and safety of those individuals incarcerated in the facility
- Health, welfare, and safety of those employees assigned to the facility
- Efficiency of facility operations
- Compliance with federal, state, and local statutes, regulations, and policy
- Effectiveness of correctional, educational, and rehabilitation programs
- Security of inmates
- Safety of the community

### **Background:**

MCSP opened on June 10, 1987. The prison, which covers 66 acres, is located in the City of Ione, adjacent to CDF/CAL Fire Academy and Preston Youth Correctional Facility. MCSP is a correctional facility that houses incarcerated offenders, focuses on inmates with special needs, provides health care, and works to rehabilitate inmates through education. The custody levels of the facility range from minimum security Level I to maximum security Level IV, though it is primarily a medium to maximum custody institution.

MCSP has three inmate housing areas within the secured perimeter of the prison. Select minimum security inmates are allowed outside the secured perimeter, as a privilege, to participate in the MCSP Community Crew work programs in the city of Ione. Within MCSP, Prison Industries Authority (PIA) offers various programs, including; coffee roasting, digital mapping, laundry services for all state institutions, and meat cutting/processing. Inmates also have access to self-help groups such as Alcoholics,

Narcotics, and Gangs Anonymous. In addition, MCSP's Arts-in-Corrections project contributes funds to help local charities.

At the time of the Amador County Grand Jury's visit, there were approximately 3,900 inmates and 1,300 employees. The 2008 annual budget for MCSP was \$106,921,987.00.

**Responsible Agency:**

California Department of Corrections & Rehabilitation  
Division of Adult Institutions  
Mule Creek State Prison  
4001 State Highway 104  
P.O. Box 409099  
Ione, CA 95640  
(209) 274-4911

**Justification/Jurisdiction:**

California Penal Code §919 (b) "The grand jury shall inquire into the condition and management of the public prisons within the county" (California Law, n.d.).

**Method of Evaluation:**

The 2008-2009 Amador County Grand Jury inspection and review of MCSP consisted of the following:

Tours and Interviews:

- Pre-inspection briefing by the Warden, Administrative Secretary to the Warden, and Executive Staff/Department Heads
- Question and answer session
- A tour and inspection of the MCSP was conducted by the Administrative Secretary to the Warden
- Interviews of two Correctional Officers
- Interviews of two inmates

Sites Toured:

- Administrative offices
- Visitor and family area
- Infirmary

- Cell blocks & exercise yard
- Level IV gymnasium, used for overflow housing for inmates
- PIA building
- Dining hall
- Classrooms
- Satellite clinics
- Receiving Sally Port & admitting facility

**Documents Reviewed:**

- MCSP Administration Organization Chart
- Meeting schedule for safety meetings in 2009
- California Department of Public Health Food Facility Inspection Report, dated September 11, 2008
- Mule Creek Fire Department Fire/Life Safety Inspection Report, dated February 27, 2008
- A document from the Fire Chief dated March 12, 2009
- The 2008 Injury and Illness Prevention Program publication, which included a Safety Plan
- Mule Creek State Prison Ione, California Booklet
- Memorandum, dated September 5, 2008 (Food Facility Inspection)

**Facts:**

1. MCSP was originally designed to handle 1,700 inmates. The current inmate population is 3,900, but can vary up or down by 200 inmates.
2. The current inmate/staff ratio is 6.2 inmates for every correctional officer. The ratios vary depending on the staff's shift, days off, time of day, holidays, and security level.
3. Overcrowding continues to be a major issue for MCSP. Overcrowding conditions have made it necessary to use the gymnasiums as inmate housing with dormitory-style living arrangements. There are 150 inmates housed in each of the three gymnasiums. Three-tier bunks are closely placed with very little room between them. The close placement of the bunks provides no privacy, limited security for inmates, and raises safety concerns for both the staff and the inmates. Personal belongings are placed in cardboard boxes under the lower bunk. The air is stale and rank due to the lack of air conditioning, poor air circulation, and the number of inmates housed in the tight quarters.
4. Overpopulation of California prisons is addressed through annual transfers of approximately 5,000 to 10,000 inmates to out-of-state facilities. Transfers are on a volunteer basis, or at the request of the Warden. A transfer can be based on inmate issues such as; no family in the area, prisoner non-compliance, or the inmate is at-risk.

5. It costs the State of California \$68.00 to \$70.00 a day to send an inmate out of state to another prison.
6. It costs \$100.00 a day, or \$36,500.00 a year, to house one inmate in a California facility.
7. When inmates first arrive at MCSP, the inmates are given an information packet, which includes both the rules and operational guidelines of the prison. In addition, information is posted in each cellblock, the dining halls, and areas to which inmates have access. Inmate complaint forms and inmate medical forms are located in all cellblock areas.
8. MCSP receives and processes about 6,000 inmate complaints per year.
9. Inmates receive two hot meals in the dining hall each day; breakfast and dinner. Sack lunches are picked up by the inmates at breakfast and taken back to their cells for the lunch meal.
10. A minimum of five inmate counts are held daily. In the event of a bad count, or unexpected result, all local facilities are notified and the prison immediately goes into lock-down mode until the discrepancy is resolved.
11. For routine medical appointments, or medical emergencies, an inmate will notify his Correctional Officer. A standard form is filled out requesting a medical appointment. Each yard at MCSP has a medical & dental clinic to handle routine medical needs. Clinics include pharmaceutical and x-ray capabilities. In addition, services are available for referrals to other health care facilities and emergency transport, including Life-Flight.
12. Medical staff includes medical doctors, dentists, psychiatrists, psychologists, nurses, pharmacists, and medical technical assistants. An optometrist and podiatrist are on contract as needed. Inmates are treated on-site, in the infirmary, for emergency medical services and basic surgery. All other medical needs are handled at outside hospitals or other prisons where the inmate can be treated.
13. Work is an earned privilege, based on behavior and an inmate's level of incarceration. Minimum security inmates may earn the right to work in the MCSP Community Crew doing supervised work in the city of Ione. Inmates who have earned the privilege to work are able to enter programs that fit their interests. The programs are designed to assist the inmate in gaining practical experience and skills while developing a strong work ethic.
14. There are more inmates than there are jobs, or openings, in the educational programs.
15. Discipline of an inmate can be administered in a variety of ways, such as; additional time added to sentence, loss of privileges, or transfer to the Special Housing Unit if the offense is more serious.

16. An inmate can receive a reduced sentence by as much as 50%, or the inmate can receive additional privileges for good behavior. In some cases, the assessed level of risk for that inmate can also be reduced.
17. MCSP is a Sensitive Needs Facility, which means it houses high risk inmates. These inmates need special handling due to their high notoriety or the inmate opted out of a gang and needs protection. Gang activity is not permitted in order to retain this level of security and safety.
18. Inmates are able to shower daily, but due to the waste water problem they are required to keep shower time to a minimum.
19. PIA, a state agency, operates a coffee roasting plant, meat cutting and processing plant, a laundry facility, and clothing manufacturing. The meat and coffee are sold to tax-supported agencies. The clothing that is manufactured is used within the state of California by all prison inmates.
20. Visitation is permitted on Saturdays and Sundays for all eligible inmates. Some low level inmates are also allowed visits on Fridays, provided they are discipline-free for three months. In addition to regular visiting hours, visiting is conducted on New Year's Day, Fourth of July, Labor Day, Thanksgiving, and Christmas. Administrative Segregation Unit inmates are limited to 1-hour visits, due to space available.
21. There are 4 telephones per cell block, to which inmates have access. Outgoing calls are collect calls. All calls are monitored and recorded.
22. All mail, both outgoing and incoming, is screened for drugs and possible threats to both the staff and the general inmate population.
23. In the past 12 months, ten stabbings have occurred by inmates to inmates at MCSP. Staff members considered the stabbings to be minor.
24. At MCSP, all personnel are responsible for the safety of the staff and inmate population. Safety meetings are conducted on a monthly basis and include both alarm response and disturbance control. In the event additional staff is needed, there is a plan in place for off duty staff call back, which allows a 30-minute response time to provide additional backup.
25. MCSP is accredited through the Western Association of Schools and Colleges. Programs are available to qualified inmates for both academic and vocational needs. In addition, support programs are available for recreational reading and access to legal materials.
26. Counseling is available 24-7 for all staff. Staff is allowed seven visits per incident, with additional visits as required. The staff has a strong peer support system. Every two years, female guards are moved to different yards to avoid problems with inmates.

27. The dry cleaning facility at MCSP caused the contamination of the local water wells and has been shutdown. Of the total number of local owners of the contaminated water wells, all but two have taken advantage of state repair funds. The city of Ione has taken the lead in resolving the water issue, and the prison has made temporary adjustments to correct the problem, such as flow meters on the toilets. In addition, the dry cleaning facility, which was the source of the problem, has been removed. Wastewater is kept at a minimum.
28. A document from the Fire Chief, dated March 12, 2009, stated there are no Fire/Life Safety discrepancies requiring any immediate attention at MCSP.

### **Findings:**

1. In the last few years, California Department of Corrections has changed its name to California Department of Corrections and Rehabilitation (CDCR) to reflect a new goal and mission on rehabilitation. Work for the inmate is a privilege, and part of the rehabilitation program. Good behavior is rewarded by any of the following; reduction of sentence, reduction of security level, and/or increase in privileges.
2. Overcrowding continues to create safety concerns for inmates and staff.
3. Employee morale is good, and staff continues to do a good job in spite of budget issues and overcrowding.
4. There are financial concerns of the per year cost to house an inmate.
5. The gymnasiums on Facilities A, B, and C have been converted to dormitories, which allows for additional bed space.
6. Inmate rights, grievance procedures, and complaints are well provided for in California prisons, and MCSP is no exception to this. Procedures for handling such issues are in place and well managed.
7. Inmate care issues such as diet, health, exercise, sanitation, and medical care are well provided. In many cases, medical and health issues at MCSP are handled at a much higher level for the inmate than prior to incarceration. Medical services available to inmates surpass that available to many of Amador County citizens.
8. Minimum security, Level 1 inmates are utilized on MCSP Community Crews that provide maintenance work to the local community. The Arts-in-Corrections project contributes to local charities.



9. PIA and vocational training done at the facility lower the cost to taxpayers by supplying low cost products used within state prisons, as well as other state agencies. They also play an important role in the rehabilitation of inmates.
10. The cost of housing level 4 inmates is approximately 4 times that of lower level inmates.
11. It is cheaper to send inmates to out-of-state prisons than to house them in California prisons. There are some limitations on how many may be transferred, and certain criteria that must be met.
12. The medium/maximum security facilities are surrounded by a double-perimeter fence, enclosing an electrified barrier to inmate housing, prison industry, and support facilities. Perimeter towers are spaced at 1700 feet around the perimeter road.
13. Each yard has an armed observation post staffed by an officer who constantly monitors the activity on that yard. The officers of the observation posts work together with the yard officers to provide safety and security of both staff and inmates. Inside each housing unit, a second floor control booth is staffed by an armed officer who oversees the operation of that housing unit.
14. The electrified barrier, situated between the double perimeter fences, consists of high voltage wires supported by insulated posts. The voltage running through the barrier wiring is 2,600 volts. When any contact is made with the wire the voltage jumps to 5,100 volts.
15. Large blue lights are located on the exterior of the inmate receiving building and the infirmary. These lights are illuminated in the event of a violent incident, or emergency, in order to allow responding officers to locate the source quickly.
16. The MCSP function and facility is a very large and complex operation. A unified management team divides the prison functions into specialized and manageable units under qualified managers.
17. MCSP is a Special Needs Facility, and being located near CDCR Headquarters in Sacramento, it is also a show case facility run strictly within CDCR guidelines.
18. The dry cleaning operation, which was responsible for past problems with ground pollution/contamination, has been shut down to halt further contamination. Although the prison administration has worked hard at solving the problem, a heavy rainfall could still aggravate existing well water damage.
19. Employees enjoy all the benefits of state employment, including; good pay, health benefits, bargaining unit membership, retirement packages, incident counseling, and assistance programs. MCSP is a desirable and sought-after work location in the CDCR system.

20. Fire inspections are done internally by staff, though no outside fire authority inspection has been done for an undetermined number of years. MCSP has made several requests to the State Fire Marshal for a Fire/Life Safety Inspection, however an inspection has not been scheduled due to time constraints and lack of staffing in the State Fire Marshal's office.

### **Recommendations:**

1. Inmate overcrowding continues to be an issue for staff and inmates. This is a critical issue and needs to be resolved. Consideration should be given to transferring inmates to out-of-state prisons within the parameters of state law and CDCR policy. This will help resolve inmate overcrowding and may result in a cost savings to the state of California (Facts 3, 4, 5, & 6 and Findings 2, 4, & 11).
2. Record keeping of Fire/Life Safety Inspections need to be improved. Inspections need to include the following; dates of inspection requests, date of inspection, location of inspection, corrections if needed, when and what corrections are performed, and policies and procedures of the process (Finding 20).
3. The pollution/sewage problems, which have contaminated the well water in the area, have had only temporary fixes. Heavy rains could force contaminants down to the water table, and bring this issue back to its previous level of health risk. This issue needs to be addressed by continuing discussions with Water Resources Control Board (Regulatory Assistance Officer, E.P.A., April 20, 2009).

### **Response Required:**

Pursuant to California Penal Code §933(c) response to this report is required, "No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations..." (California Law, nd.).

### **References:**

California Grand Jury Association (CGJA). (2008). Jail Inspection Handbook: Grand Juror's Training Seminar. Lew Avera, San Clemente, CA.

California Law. (n.d.). Authority of Grand Jury. Penal Codes: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=20851920165+0+0+0&WAISaction=retrieve>

California Law. (n.d.). Grand Jury Inquiry into Public Prisons. Penal Codes: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=26009120682+0+0+0&WALSaction=retrieve>

Regulatory Assistance Officer. (April 20, 2009). Phone Interview conducted by the Criminal Justice Committee of the Amador County Grand Jury on April 19, 2009.

**PINE GROVE YOUTH CONSERVATION CAMP**  
**INSPECTION AND REVIEW**

# **AMADOR COUNTY**

**2008-2009 Grand Jury**



## ***Pine Grove Youth Conservation Camp Inspection and Review***

### **Introduction:**

As part of the 2008-2009 Amador County Grand Jury Criminal Justice Committee project plan, an inspection and review of Pine Grove Youth Conservation Camp (PGYCC) was conducted on October 9, 2008. The purpose of the inspection was to evaluate the following:

- Health, welfare, and safety of those wards incarcerated in the camp
- Health, welfare, and safety of those employees working at the camp
- Efficiency of the operation of the facility
- Compliance with federal, state, and local statutes, policy
- Effectiveness of youth education, vocational, and rehabilitation programs
- Security of wards
- Safety of the community

### **Background:**

The PGYCC is located just off Highway 88, on 80 acres, near Pine Grove. It has been in operation for 64 years and is the oldest, continuously operated, Youth Conservation Camp in the United States. It is operated by the Division of Juvenile Justice, California Department of Corrections and Rehabilitation. In conjunction with the California Department of Forestry (CAL FIRE), the camp trains incarcerated male juveniles to protect the community and to aid in wild land fire fighting throughout the state. The facility is budgeted to house 81 wards with a maximum capacity of 100 wards. The Pine Grove Youth Conservation Camp is a privilege program that uses strict criteria when qualifying youths for placement at the camp.

### **Responsible Agencies:**

Pine Grove Youth Conservation Camp  
13630 Aqueduct-Volcano Road  
P.O. Box 1040  
Pine Grove, CA 95665  
(209) 296-7581

Division of Juvenile Justice  
Executive Office  
1515 S Street, Suite 502 South  
Sacramento, CA 95814  
(916) 323-2848  
(916) 323-5584 fax

California Department Corrections and Rehabilitation  
1515 S Street  
Sacramento, CA 95811-7243  
(916) 323-3593  
(916) 323-2998 fax

### **Justification/ Jurisdiction:**

California Penal Code § 919 (b) "The grand jury shall inquire into the condition and management of the public prisons within the county" (California Law, n.d.)..

### **Method of Evaluation:**

The 2008-2009 Amador County Grand Jury's inspection and review of the PGYCC consisted of:

#### **Tours and Interviews:**

- Tour of the entire facility, including the administration building, visiting areas, exercise/weight training room, classrooms, nurse's station, dormitory, and kitchen.
- Interview with the PGYCC Superintendent
- Interview with the PGYCC Nurse
- Post tour briefing and question and answer session

#### **Documents Reviewed:**

- California Department of Public Health 2007-08 Food Facility Inspection Report
- Organizational Chart
- Injury Report Form
- Ward Grievance Form

### **Facts:**

1. At the time of the Amador County Grand Jury tour, there were 69 wards between the ages of 18 and 25, with the average age being 20. The wards, who were



convicted of crimes before their 18<sup>th</sup> birthday, are hand-picked and recruited from other facilities. If a ward has been convicted of arson, has a history of escaping from another facility, or is a sexual offender, he is disqualified from being assigned to the camp. Wards are closely monitored, as the camp's location is close to residences and is not a lock-down facility. PGYCC has a current list of nearby resident's phone numbers to alert people in case an escape occurs.

2. The goal of the camp is for rehabilitation, thus providing opportunities for training in employability skills, education (such as GED or High School diploma), group living, and counseling. This is a working camp where the wards start their day at 6 A.M., are bused out at 8 A.M. to do community roadside work, fire prevention, or fighting fires throughout the state. They return at 4 P.M., eat dinner at 5 P.M., and then attend school from 6 P.M. to 10 P.M.
3. When fighting fires, wards earn one dollar per hour, which can be used to buy items at the camp canteen. For positive behavior, wards may have their time reduced by as much as 15 days per month. The average stay is 12 months and, to date, no wards have returned. Wards are allowed religious services and may have family members visit on Sundays.
4. Use of any tobacco product is prohibited on the premises.
5. The PGYCC Nurse instructs the wards on how to take scheduled medications.
6. Nurse hours have been increased from 4 hours, to 8 hours per day, 5 days per week.
7. The wards per counselor ratio is 8:1.
8. There are 17 students for every teacher with computers available for learning purposes. The school is fully accredited.
9. The following areas were toured:
  - Nurse's Station: This is a small but adequate area to provide basic medical treatments and training in self administration of scheduled medications. Medical emergencies are transported to Sutter Amador Hospital in Jackson. There is a full time nurse on staff with a doctor visiting the facility twice weekly.
  - Dormitories: The inspection of the living areas revealed clean, orderly, and well kept sleeping quarters.
  - Dining area: The dining area is adequate and organized. Bag lunches are provided to the wards when out on work duty. Wards are assigned to assist the staff cook in meal preparation, service and clean up. Routine inspections are conducted by the appropriate health department to insure safe food.

- Classroom: The size of the classroom contained 4 large tables, and appeared adequate for students to do their school work. Computers, with no internet access, are available to students as well.

### **Findings:**

1. The Camp is a clean, well managed, and efficient facility. It is designed to assist in the rehabilitation of wards to help them become productive and successful citizens upon parole.
2. The staff members were positive and unified in their goal of educating and assisting the wards to become productive members of society.
3. The 2007-2008 Amador County Grand Jury recommended reinstating the PGYCC Community Crew. The PGYCC Superintendent verified that this crew had indeed been reinstated. The PGYCC Community Crew provides public benefits to the citizens of Amador County.
4. The facility was showing some signs of wear and tear, especially the paint on the exterior walls of the buildings. In addition, the walls of the dorms and showers showed signs of wear and tear.
5. An odor coming from the septic system was detected near the nurse's office.
6. No record of a State Fire Marshal inspection was produced for review.

### **Recommendations:**

1. Apply a fresh coat of paint on the exterior walls of the buildings. In addition, a fresh coat of paint is recommended for the interior walls of the dorms and showers (Finding 4).
2. Have the septic system inspected for health and safety issues and to determine proper operating conditions (Finding 5).
3. Contact the State Fire Marshal for bi-annual inspections for fire safety, and keep fire inspection records on file (Finding 6).

### **Response Required:**

Pursuant to California Penal Code §933(c) response to this report is required, "No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations..." (California Law, n.d.).

### **References:**

California Grand Jury Association (CGJA). (2008). Jail Inspection Handbook: Grand Juror's Training Seminar. Lew Avera, San Clemente, CA.

California Law. (n.d.). Authority of Grand Jury. Penal Codes: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=20851920165+0+0+0&WASAction=retrieve>

California Law. (n.d.). Grand Jury Inquiry into Public Prisons. Penal Codes: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=26009120682+0+0+0&WASAction=retrieve>

**PRESTON YOUTH CORRECTIONAL FACILITY**  
**INSPECTION AND REVIEW**



***Preston Youth Correctional Facility  
Inspection and Review***

**Introduction:**

Pursuant to California Penal Code Section §919 (b), the grand jury is required to conduct an annual review of the conditions and management of all correctional facilities located within Amador County. As part of the 2008-2009 Amador County Grand Jury Criminal Justice committee project plan, an inspection and review of the Amador County Preston Youth Correction Facility was conducted on Tuesday, February 3, 2009. The intent of the inspection was to evaluate the following:

- Health, welfare, and safety of those individuals incarcerated in the facility
- Health, welfare, and safety of those employees assigned to the facility
- Efficiency of facility operations
- Compliance with federal, state and local statutes, regulations, and policy
- Effectiveness of correctional, educational, and rehabilitation programs
- Security of inmates
- Safety of the community

**Background:**

Preston Youth Correctional Facility (PYCF) was opened in 1894 and is located in the city of Ione, in Amador County. The PYCF is directed at delinquent boys, ages 14 through 24. This provides rehabilitation through education and allows troubled youths to turn their lives around and, upon re-entering society, lead more productive lives. Initially, PYCF housed a dairy and many acres of farmland where young boys would learn how to work and grow crops. Preston Castle, the original building of the reformatory, is located on PYCF grounds, and majestically overlooks the current facility.

PYCF houses male wards in a mixture of open dormitories and single living units. PYCF also serves as a reception center for wards committed to the Division of Juvenile Justice in Northern California. At this time, each ward is assessed to determine his individual needs to assist with their progress. PYCF offers an intensive treatment program, a specialized counseling program, and a behavior treatment program.

The mission of PYCF is to; enhance public safety through safe and secure incarceration of offenders, provide effective parole supervision, and implement rehabilitative strategies to successfully reintegrate offenders into society.

**Responsible Agency:**

Preston Youth Correctional Facility  
201 Waterman Road  
Ione, CA 95640  
(209) 274-8000

**Jurisdiction:**

California Penal Code § 919 (b) "The grand jury shall inquire into the condition and management of the public prisons within the county" (California Law, n.d.).

**Method of Evaluation:**

The 2008-2009 Amador County Grand Jury's review of PYCF consisted of the following:

Tours and Interviews:

- Tour of facility
- Interviews of Superintendent
- Interview of Assistant Superintendent
- Interview of Correctional Officer
- Interviews of Principal
- Interview of Teacher
- Interview of Dentist
- Interview of Registered Nurse
- Interview of Food Service Manager
- Interview of Restaurant Manager
- Interview of Ward

Documents Reviewed:

- Preston Youth Correctional Facility Policy and Procedure Manual
- Ward Rights Handbook
- Teacher's checklist forms: Transition Orientation, Transition to Success
- Environmental Health Survey Reports: February 2008, December 2008
- Food Facility Inspection Report: December 2008

- PbS Learning Institute Youth Survey: October 2008
- Performance-Based Standards Review Staff Survey: October 2008
- Misconduct Complaint Review Form
- Youth Grievance Report
- Youth Grievance Response Form

**Facts:**

1. Approximately 80% of the PYCF employees are current residents of Amador County.
2. PYCF is one of the facilities being considered for closure by state correction officials.
3. Wards receive the Wards Rights Handbook upon arrival at the facility. This handbook provides guidelines for all legal rights, responsibilities, and procedures required while they are serving their commitment at PYCF. Additional copies are readily available to wards upon request.
4. Although there is a concerted effort to keep gangs separated at PYCF, the majority of incidents are gang related.
5. A chapel is provided to wards for religious services which include: Catholics, Muslims, Protestants, and American Indians. These services are held on a regular basis. In addition, services for other denominations may be requested.
6. James A. Wieden High School, located at the facility, offers a full range of instruction, including; special education, basic skills, high school coursework, GED preparation, and vocational education. Community college work is available through correspondence courses.
7. Each ward is required to complete a Transition Orientation Form, which focuses on educational goals and opportunities for the ward's transition back into the community. The Transition Coordinator serves as a resource and connection between the ward and appropriate community programs available to the ward.
8. The age of a ward must be between 14 and 24 years of age to be incarcerated at PYCF. Any ward who will reach his 25<sup>th</sup> birthday, and who will not complete his commitment to serve, must be transferred to an adult prison for the remainder of his sentence. The average stay for a ward at PYCF is 2 ½ years in length.
9. If a ward owes court ordered restitution, fifty percent of monies applied to a ward's account will be deducted from the restitution owed.

10. Pine Grove Youth Conservation Camp recruits a high percentage of wards from PYCF for fire fighting.
11. The FEAST cafeteria provides a Culinary Arts Program for wards to gain training and experience in food preparation and food service. Through this program, wards prepare and serve lunches daily, which are made available for staff and visitors at a reasonable fee.

### **Findings:**

1. PYCF, opened in 1894, had a new facility built in 1960 and additional structures added over the years. PYCF has a long history as an active part of Amador County and has been a major employer in the community, employing multiple generations of local family members. Currently, there are more PYCF staff than incarcerated wards.
2. Keeping with the philosophy of the California Juvenile Court System, PYCF staff focuses on rehabilitation and education of the ward. The staff is unified in their efforts to provide special education, basic skills, high school diplomas, GED, and job skills training.
3. PYCF is a reception center for all Northern California wards entering into the Youth Correctional System.
4. PYCF has a ward population which includes mixed gang members from all major gangs in California.
5. Gang members are segregated so that rival gang factions do not come in contact, or have opportunities to cross paths.
6. Some gang related incidents and assaults have occurred in the past, but current strict discipline at the facility has prevented serious gang related incidents.
7. Due to funding being transferred to county probation departments, ward populations in all state youth corrections facilities is dropping.
8. Mental health evaluations are conducted at N.A. Chaderjian, commonly known as "Chad", a youth corrections facility in Stockton.
9. Kitchen facilities are scheduled for remodeling, along with much needed upgrades to the facility power grid.
10. The PYCF is being considered for closure, along with others in the state, by California Youth Corrections officials. Closures will likely occur, resulting in the consolidation of the wards and services into remaining facilities.



11. Parking areas are limited for both staff and visitors, causing employees to park on the shoulder of Waterman Road.
12. Security procedures are strictly enforced. Ward escapes are no longer an issue.
13. The 2008 – 2009 Amador County Grand Jury requested a copy of the latest fire inspection report; however no report was received for review. Fire extinguishers were out of required inspection date.
14. The 2008 – 2009 Amador County Grand Jury requested a copy of the latest Occupational Safety and Wellness Plan. No report was received for review indicating a need to address this required safety element.
15. The Camp Fire Training Program, which prepares wards for fire assignments at Youth Conservation Camps in the state, has been eliminated because of the closure of all but two conservation camps.
16. Movement sensors in a dormitory ceiling appeared to be disabled with a foreign material acting as an obstruction or cover plate.
17. The housekeeping, organization, and maintenance of this operation seem to be well managed. The serving staff wards are professional and attentive in their duties.
18. Medical staff appears to be professional, caring, and compassionate in providing services. The services are organized and the facility is well maintained.
19. In 2008, The Governor's Award for Advocate of the Year was earned by a member of the staff of PYCF for her leadership in consistently meeting small business participation goals over the last seven years (Fulkerson, 2008).

### **Recommendations:**

1. Continue to pursue kitchen and power upgrades (Finding 9).
2. Adequate parking should be provided for staff and guest parking at this facility (Finding 11).
3. Fire extinguishers should be checked and signed off each month and serviced yearly. Periodic inspections should be implemented by contacting either the Ione City Fire Department or the State Fire Marshal for inspection (Finding 13).
4. Occupational Injury and Illness Prevention Program needs to be produced for review (Finding 14).

5. Movement sensors in low risk dormitory needs to be repaired and periodic inspections performed to ensure safety to wards and staff (Finding 16).

### **Response Required:**

Pursuant to California Penal Code §933(c) response to this report is required, "No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations..." (California Law, n.d.).

### **References:**

California Grand Jury Association (CGJA). (2008). Jail Inspection Handbook: Grand Juror's Training Seminar. San Clemente, CA.

California Law. (n.d.). Authority of Grand Jury. Penal Codes: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=20851920165+0+0+0&WAIAction=retrieve>

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Fulkerson, A. (October 29, 2008). State Employees and Agencies Honored for Commitment to Purchasing with Small and Disabled Veteran Businesses. California State Press Release. Retrieved on April 24, 2009 from California Disabled Veteran Enterprise Alliance at [http://www.cadbve.org/asset/files/state\\_press\\_release.doc](http://www.cadbve.org/asset/files/state_press_release.doc)

## **EDUCATION**

- **Amador County Unified School District Board Training Review**
- **Amador County Unified School District Dress Code Review**

**AMADOR COUNTY UNIFIED SCHOOL DISTRICT**  
**BOARD TRAINING REVIEW**

# **AMADOR COUNTY**

**2008-2009 Grand Jury**



## ***Amador County Unified School District Board Training Review***

### **Introduction:**

The 2008-2009 Amador County Grand Jury elected to review the training procedures for the Amador County Unified School District (ACUSD) board members. The review covered training procedures, when training was received, and how the ACUSD tracked training attended by individual board members.

### **Background:**

Although there have been many changes to the organization of school districts in California, the provision for school support began with California's Constitution in 1849. The need for education grew at a rapid pace with the increase in population and the movement from an agricultural-based economy. By 1935, there were over 3,500 school districts in the state. Over time, school districts have combined Elementary and High School Districts to create Unified School Districts. By encouraging this movement, there are now 333 Unified School Districts, with a decrease in non-unified school districts.

All districts provide for an elected governing board of three to seven members serving four-year terms. Vacancies are filled by special election, although a city charter may provide for appointment. Many school board members serve without pay, but they are reimbursed for expenses. Some districts have chosen to set salaries for board members. The school board sets local educational policies, within the limits of state law and determines the curriculum. It adopts a budget and authorizes operating and capital expenditures.

The Amador County Governing Board generally meets on the second and fourth Wednesdays of each month at 7:00 P.M. Open Session typically begins at 7:00 P.M. Closed Session begins at 5:30 P.M. Unless otherwise posted, meetings are held in the Amador County Administration Building, located at 810 Court Street in Jackson.

### **Responsible Agency:**

Amador County Unified School District  
217 Rex Ave.  
Jackson, CA 95642  
(209) 223-1750

## **Justification/Jurisdiction:**

This review was conducted by the Amador County Grand Jury's Education Committee, pursuant to California Penal Code §933.5. "A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission" (California Law, n.d.).

## **Method of Evaluation:**

The 2009 – 2009 Amador County Grand Jury's review of the ACUSD Board training policy and procedures consisted of:

### Interviews:

- Superintendant of ACUSD
- Assistant Superintendant of ACUSD

### Reviewed Official Websites:

- ACUSD School Board website at [http://www.amadorcoe.org/School\\_Board.htm](http://www.amadorcoe.org/School_Board.htm)
- About Public Education

## **Facts:**

1. The State of California does not require school board members to attend training prior to appointment or anytime during the School Board term.
2. School Board members are required to be a resident of the Amador County Unified School District. In addition, they are required to be at least 18 years of age and a current registered voter.
3. In order to be elected to the school board, members are not required to have a high school diploma or GED.

## **Findings:**

1. The California School Boards Association (CSBA) provides an annual, two day training, specifically for newly elected board members, at their Institute for New and First Term Board Members.

2. The CSBA also provides training for existing board members, such as Legal Symposium, for experienced board members.
3. The school district must pay for the training, as well as any accommodations required to attend trainings.
4. The CSBA provides shorter courses throughout the year at various locations within the state.
5. CSBA also offers online training courses throughout the year.
6. There is currently no practice in place to track trainings attended by ACUSD Board Members.

### **Recommendations:**

1. Each new board member should attend the training for newly elected board members provided by the CSBA (Fact 1 and Finding 1).
2. Existing board members should attend trainings offered throughout the year by the CSBA (Fact 1 and Finding 2).
3. A tracking system, specific for trainings attended by ACUSB members, should be created.
4. Consider adjusting the next budget to allocate for board member trainings.

### **Response Required:**

Pursuant to California Penal Code §933(c) response to this report is required, “No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations...” (California Law, n.d.).

### **References:**

California Law. (n.d.) Education Code: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at  
<http://www.leginfo.ca.gov/cgi-in/waisgate?waisdocid=57489021967+0+0+0&waisaction=retrieve>  
<http://www.leginfo.ca.gov/cgi-in/waisgate?WaisdocID=58574425050+4+0+0&Waisaction=retrieve>

California Law. (n.d.). Penal Code Section 925-933.6: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=57854428829+0+0+0&WAISSaction=retrieve>

Department of Education. (February, 2009). District Organization Handbook. Retrieved on May 6, 2009 at <http://209.85.173.132/search?q=cache:6GfzmxmiRmQJ:www.cde.ca.gov/re/lr/do/documents/dopref.doc+California+Department+of+Education+District+Organization+Handbook+February+2009&cd=1&hl=en&ct=clnk&gl=us&client=firefox-a>

League of Women Voters of California. (March 24, 2009). About Public Education: California State Government. Retrieved on May 4, 2009 at <http://www.guidetogov.org/ca/state/overview/school.html>.

California School Boards Association. (2009). Training & Events: Institute for New and First-Term Board Members. Retrieved on May 04, 2009 at <http://csba.org/TrainingAndEvents/Events/NFTBML.aspx>.



**AMADOR COUNTY UNIFIED SCHOOL DISTRICT**

**DRESS CODE REVIEW**

# **AMADOR COUNTY**

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## **2008-2009 Grand Jury**



### ***Amador County Unified School District Dress Code Review***

#### **Introduction:**

The 2008-2009 Amador County Grand Jury has elected to review the enforcement of the Amador County Unified School District's (ACUSD) school dress code policy.

#### **Background:**

The Grand Jury chose to review ACUSD dress code policy, as it has not been reviewed by any previous Amador County Grand Jury.

The California Education Code provides a basic dress code policy for each school district in California. Each district is then able to adjust this policy to better assist individual school districts in dealing with prevalent issues.

#### **Responsible Agency:**

Amador County Unified School District  
217 Rex Avenue  
Jackson, Ca 95642  
(209) 223-1750  
(209) 223-1733 fax

#### **Justification/Jurisdiction:**

This investigation was conducted by the Amador County Grand Jury's Education Committee, pursuant to California Penal Code §933.5. "A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission" (California Law, n.d.).

## **Method of Evaluation:**

### Staff Interviews:

- Superintendent of ACUSD
- Assistant Superintendent of ACUSD
- Community School Principal
- Independence High School Principal
- Ione Junior High School Principal
- Jackson Junior High School Principal
- Amador High School Vice Principal
- Argonaut High School Vice Principal

### Tour of school campuses:

- Community School
- Independence High School
- Ione Junior High School
- Jackson Junior High School
- Amador High School
- Argonaut High School

### Documents Reviewed:

- ACUSD Student Conduct Code Disciplinary Policy (Grades 7-12)
- ACUSD Annual Notification to Parents and Guardians
- Education Code §35183

## **Facts:**

1. California Education Code states, “48900. A pupil shall not be suspended from school, or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive: (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties” (California Law, n.d.).
2. 48900.1. (a) The governing board of each school district may adopt a policy authorizing teachers to require the parent or guardian of a pupil who has been suspended by a teacher pursuant to Section 48910 for reasons specified in subdivision (i) or (k) of Section 48900, to attend a portion of a school day in the classroom of his or her child or ward. The policy shall take into account reasonable factors that may prevent compliance with a notice to attend. The attendance of the parent or guardian shall be limited to the class from which the pupil was suspended” (California Law, n.d.).

3. Code 35183 requires training for school staff to be able to recognize current gang-related regalia, and encourages the use of school uniforms to better provide a safe environment for students (California Law, n.d.).
4. Code 48907 provides freedom of speech on school premises, with the exception of that which is profane, slanderous, libelous, or incites students to the point of creating an unsafe environment (California Law, n.d.).
5. Local codes and policy include C.A.C Title V, Section 302; and Board Policy 5132 and 5136 (Amador County Office of Education, June 27, 2007).
6. ACUSD has expanded on the California dress code, creating one which is more detailed and broader in scope. It also provides consequences for infractions. The school district dress code states, "Students shall not exhibit any dress, grooming, or appearance which disrupts, or tends to disrupt, the education process, or affects the health or safety of individuals. Clothing must not reveal breasts and/or cleavage, gluteal fold, buttocks, midriff, belly, lower back or any undergarments, including undershirts. All apparel and accessories shall be safe and free of writing, pictures, insignias or symbols that:
  - a. are crude, vulgar, profane, sexually suggestive;
  - b. advocate negative prejudice concerning race, ethnicity, gender identity, or religion;
  - c. advocate the use of tobacco, drugs and/or alcohol;
  - d. are affiliated with gang involvement.

School administration and staff may impose additional dress requirements to accommodate certain sports, classes (e.g. shop classes) and special school activities (including, but not limited to, promotion exercises and award ceremonies).

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed as needed and updated whenever related information is received.

**Disciplinary Action:**

First Offense: Warning, plus correction at school and a phone call home. Accessories will be collected and student may pick up at the end of the day.

Second Offense: Letter and call home, plus correction at school; detention or remain in office for the rest of the day. Accessories: collected, maybe retrieved by a parent [or guardian].

Third Offense: Letter and call home, plus correction; one-day suspension. Accessories may be retrieved by a parent, [guardian], or student at end of school year" (Amador County Office of Education, June 27, 2007).

7. The ACUSD dress code is part of the Student Conduct Code Disciplinary Policy. It is also part of the annual notification that is sent home with each student on the

first day of school, to be signed by their parent or guardian and returned to school. If the student's parent or guardian refuses to sign the dress code portion of the Student Conduct Code Disciplinary Policy, the schools have no recourse or policy in place to address that refusal.

8. Periodically, school administrators attend a training to keep them abreast of current gang trends. Gang indicators can impact dress code rules.
9. Students are monitored for dress code violations by the entire staff, but it is usually the Principal or Vice-Principal who disciplines the students.

### **Findings:**

1. School administrators are sensitive to gang issues and dress related symbols that can indicate gang affiliation. Gang influence can be seen in tagging around the schools, intimidation of students, and pressure to join their gang to spread their sphere of influence. Students learn about the various signs and symbols indicating gang affiliation from each other. The State of California holds annual classes that are made available to school administrators. Most of the schools within the district send representatives every two or three years to these courses.
2. Each campus uses some discretion in their dress code enforcement policies, depending on the student. Consequently, the discipline the students actually receive does not strictly follow the dress code. The school district has a basic dress code, but each school modifies that code to fit their own requirements, based on their individual needs.
3. Rather than punishing the students, the administrator's primary purpose is to correct the problem and return the student to class. Some schools have alternative clothing the students can wear, or in the case of an inappropriate symbol on a shirt, the students may be required to turn the shirt inside out. Asking the parents to bring alternate clothes from home is usually a last resort because the student will be out of class for an extended period of time.
4. The staff of grades 7-12 seem to be in touch with the current gang trends, and they are educated to be on the alert for new or changing trends on our campuses.
5. Observations made on school campuses during interviews were supportive of the dress code. The students were dressed appropriately. However it should be noted that the interviews were conducted in January during cold weather.

### **Recommendations:**

1. Review disciplinary actions so enforcement adheres to, and is consistent with, the ACUSD Dress Code Policy throughout the district (Finding 2).

2. Schools do not have a consequence in place that would require a parent or guardian to read and sign the Dress Code Policy. While there are consequences for failure to sign other portions of the Conduct Code and Disciplinary Policy, disregarding the Dress Code Policy costs the parents and students nothing. The schools should require the signature of the Dress Code Policy, backed by consequences similar to other required policies, which will command the respect of the parents and students (Fact 3).

### **Response Required:**

Pursuant to California Penal Code §933(c) response to this report is required, “No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations...” (California Law, n.d.).

### **References:**

ACUSD. (2009). School Board Members: Amador County Unified School District. Retrieved on May 5, 2009 at [http://www.amadorcoe.org/School\\_Board.htm](http://www.amadorcoe.org/School_Board.htm)

Amador County Office of Education. (June 27, 2007). Student Conduct Code: Parent’s Page. Retrieved on May 5, 2009 from Amador County Unified Schools website at <http://www.amadorcoe.org/FORMS/conduct%20code%20grades%207-12.08.09>

California Law. (n.d.) Education Code: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-in/waisgate?waisdocid=57489021967+0+0+0&waisaction=retrieve>  
<http://www.leginfo.ca.gov/cgi-in/waisgate?WaisdocID=58574425050+4+0+0&Waisaction=retrieve>

California Law. (n.d.). Penal Code Section 925-933.6: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WaisdocID=57854428829+0+0+0&Waisaction=retrieve>

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# **ELECTIONS**

- Amador County Elections Observers Panel  
Review**

**AMADOR COUNTY**  
**ELECTIONS OBSERVERS PANEL REVIEW**



# **AMADOR COUNTY**

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## **2008-2009 Grand Jury**



### ***Amador County Election Observers Panel Review***

#### **Introduction:**

The 2008-2009 Amador County Grand Jury elected to review and evaluate the Amador County Elections Department and its procedures. Five Grand Jury members participated on the Election Observer Panel (EOP). The purpose of the review was to assess:

- Transparency in the election process
- Confidentiality in the voting process
- Level of participation by voters
- Access for all voters and the availability of voting booths for those with disabilities
- Functionality of voting facilities

#### **Background:**

In accordance with the EOP Plan, the purpose of the EOP is to ensure that the election process is conducted transparently, to encourage participation, and to build voter confidence in the election process.

The County uses ES&S Optical Scan voting system. For those who have a disability or are hearing impaired, the AutoMARK™ Voter Assist Terminal is used. The Elections Department is the primary election service provider, and sole voter registration custodian, for approximately 25,000 registered voters in Amador County, California. The Elections Department administers these duties in a non-partisan manner. This is essential to maintain the integrity of the system and the confidence of the electorate.

#### **Responsible Agency:**

Registrar of Voters  
County Administration Center  
810 Court Street  
Jackson, CA 95642-2132  
Elections: (209) 223-6465

## **Justification/Jurisdiction:**

The Amador County Grand Jury was invited to participate in the EOP pursuant to California Penal Code §925, "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county..." (California Law, n.d.).

## **Method of Evaluation:**

The 2008-2009 Amador County Grand Jury's review of the Amador County Registrar of Voters/Amador County Elections Office consisted of the following:

### **Tours and Interviews:**

- Interview with Clerk/Recorder/Registrar of Voters
- Interview with Deputy Registrar of Voters
- Interview with Office Staff
- Interview with Volunteers
- Tour of Amador County Elections Office
- Tour of County Precinct on Election Day

## **Facts:**

1. The Election's Office invited the following to be members of the EOP; The Democratic Central Committee, The Republican Central Committee, The Ledger Dispatch, TSPN, and the Amador County Grand Jury.
2. The Election's Office held regular meetings to keep the EOP apprised of all aspects of the duties of the Election Office. The panel members were invited to attend training classes that are presented to the volunteers who work at the precincts on Election Day.
3. The operation of the voting machines was shown to the panel members.
4. Amador County computer systems used in the voting process were shown, and their operation explained, to panel members.
5. The EOP was given a list of polling locations and their precincts, so as to allow random observations on Election Day.
6. The panel observed the processing of absentee ballots.

7. Panel members were asked to report any problems, or discrepancies observed, to the Election Office.
8. Over 40 volunteers participated in the training on voting machine use and correct procedure.
9. A total of 18 precincts were visited and observed.
10. Identification badges were provided to the members of the EOP.
11. Both the ES & S Optical Scan and the AutoMARK™ voting machines were calibrated.

### **Findings:**

1. Two precincts did not offer privacy sleeves to voters.
2. One AutoMARK™ machine was malfunctioning at a polling location. It was reported to the Elections Office.
3. One volunteer was uncooperative with the EOP and was reported to the Elections Office.
4. The Elections Office took all the necessary steps to ensure that the elections occurred in an accurate fashion, without compromise or error.
5. The election reflected the integrity and ethics of a well-trained staff, as is needed to carry out such an involved task.

### **Recommendations:**

1. Privacy sleeves must be emphasized to the volunteers in order to assure confidentiality and confidence of the voting public (Finding 1).
2. Repair or replace the AutoMARK™ machine that was reported to be malfunctioning (Finding 2).
3. To ensure voter confidence in the voting process, the EOP must be able to investigate each polling precinct without interference. This should be emphasized at the training for both the volunteers and the paid workers (Finding 3).

### **Response Required:**

Pursuant to California Penal Code §933(c) response to this report is required, "No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations..." (California Law, n.d.).

### **References:**

California Law. (n.d.) Education Code: California Codes. Retrieved on May 6 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?waisdocid=57489021967+0+0+0&waisaction=retrieve>  
<http://www.leginfo.ca.gov/cgi-in/waisgate?W AISdocID=58574425050+4+0+0&W AISaction=>

California Law. (n.d.). Penal Code Section 925-933.6: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?W AISdocID=57854428829+0+0+0&W AISaction=retrieve>

## **HEALTH AND WELFARE**

- **Amador County Social Services Review**
- **Amador County Veteran's Services Review**

# **AMADOR COUNTY SOCIAL SERVICES REVIEW**



## *Amador County Social Services Review*

### **Introduction:**

The 2008-2009 Amador County Grand Jury reviewed the Amador County Social Services Department (ACSSD). The purpose of the inspection was to evaluate the following:

- Services offered
- Application process to receive services

### **Background:**

Prior to the Great Depression of the late 1920s and 1930s, there was no systematic federal service for providing help or relief to struggling citizens. State programs were fragmented, and charity was sporadically offered by various church organizations and community efforts. Due to the effects of the impact of the Great Depression, President Theodore Roosevelt proposed the New Deal in the 1930s. Essentially, this was a package of various social and welfare benefits aimed at relieving the effects of the Great Depression (Welfare Programs Aid, 2009).

In 1933, as part of the New Deal, President Theodore Roosevelt created Aid to Families with Dependent Children (AFDC), which was a means-tested program. In its inception, this program was designed to be a short-term, transitional solution to the problems faced by single poor women with children, many of whom were minorities as well (Welfare Programs History, 2009).

As the use of these New Deal welfare programs exploded over several decades, the administrations of John F. Kennedy and Lyndon B. Johnson of the 1960s saw a resurgence of public interest in issues regarding minorities, the poor, and children. During this time, new welfare programs were created to help address the continued spread of poverty, homelessness, hunger, and medical problems—difficulties that plagued many of America's citizens. The Food Stamp Act of the 1960s created a food stamp program that attempted to address the nation's problem of hunger by providing another means-tested program for the poor, the disabled, and single-parent households. Unlike Medicare, the health insurance program for the elderly, the Medicaid program was established to offer medical care to poor children, people with disabilities, and the elderly. Medicaid involved financial contributions from the states. These programs

continued to exist into the twenty-first century, although many restrictions and time limitations had been added (Welfare Programs, 2009).

ACSSD is responsible to determine if persons are eligible to receive services such as TANF (Temporary Assistance for Needy Families) Medi-Cal, Food Stamps, and Cal-WORKs.

### **Responsible Agency:**

Department of Social Services  
10877 Conductor Blvd  
Sutter Creek, CA 95685  
(209) 223-6550

### **Justification/Jurisdiction:**

California Penal Code §925, "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county..." (California Law, n.d.).

### **Method of Evaluation:**

The 2008 - 2009 Amador County Grand Jury's review of the ACSSD consisted of the following:

#### Tours and Interviews:

- Health and Human Services Building
- Interview with Acting Health and Human Services Director
- Interview with former and current Social Services Director
- Interview with Fraud Investigator
- Interview with a social services client

#### Additional Methods Used:

- Performed mock application process

### **Facts:**

1. The Social Services Department has 51 employees, 16 of which are eligibility workers.



2. The administration and services provided receive county, state, and federal funding.
3. There are various services available to persons needing assistance such as:
  - a. **Cal-Learn:** A program designed to help teenage parents, under the age of 18, to receive their High School Diploma.
  - b. **Welfare-to-Work:** Through teaching, training, and counseling, persons receiving assistance can be coached to find a job.
  - c. **Medi-Cal:** General health coverage to those who qualify, as well as services for dental, vision, and mental health.
  - d. **Transitional Medi-Cal (TMC):** Can provide free continued medical coverage for up to 12 months while transitioning from public assistance to private coverage.
  - e. **Food Stamps Program:** Can help families in need to buy nutritious food.

### **Findings:**

1. There has been an increase in families needing services within this past year.
2. The staff is sufficient to handle the current caseload.
3. The department is successful at maintaining the current budgetary requirements.
4. The early fraud detection procedure was successful, however due to budgetary constraints the program is no longer in use.
5. Management believes the employees are dedicated and take pride in their work.
6. Management is vigilant in administering services provided with tax dollars.
7. Funding has been cut for programs that provide peripheral support, such as mental health services.

### **Recommendations:**

1. To ensure proper services are efficiently provided, continue to evaluate the caseload, as the number of persons in need increases (Finding 2).
2. Reinstate the early fraud detection procedure. This will save the time of the county employees and ensure that unqualified applicants will not receive aid (Finding 4).
3. To better serve recipients, re-evaluate the access to peripheral programs (Finding 7).

4. Consider organizing a support group consisting of people who are going through, or have gone through, the application process for receiving aid. This would provide a source of assistance, other than the eligibility workers, to answer questions and alleviate misunderstandings that may arise during the application process. In addition, it would provide more help to those re-entering the workforce.

### **Response Required:**

Pursuant to California Penal Code §933(c) response to this report is required, “No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations...” (California Law, n.d.).

### **References:**

California Law. (n.d.). Penal Code Section 925-933.6: California Codes. Retrieved on May 6, 2009, from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=57854428829+0+0+0&WAISaction=retrieve>

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**AMADOR COUNTY VETERAN'S SERVICES**  
**REVIEW**

# **AMADOR COUNTY**

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## **2008-2009 Grand Jury**



### ***Amador County Veteran's Services Review***

#### **Introduction:**

The 2008–2009 Amador County Grand Jury conducted a review of the Amador County Veteran's Services Administration (ACVSA) during November 2008. The purpose of the inspection was to evaluate the following:

- Services and benefits available to veterans and their dependents
- Local veteran's needs
- Application process to receive services and benefits
- Public education on services and benefits available to veterans and their dependents

#### **Background:**

"The American Legion was chartered by Congress in 1919 as a patriotic, war-time veteran's organization, and devoted to mutual helpfulness. It is a not-for-profit community service organization which now numbers nearly 3 million members, men and women, in nearly 15,000 American Legion posts worldwide" (American Legion, 1996-2008).

ACVSA was opened in 1946, as a part time agency offering assistance to the community, and has continued to grow and expand to today's status. The ACVSA is open Monday through Friday 8 A.M. to 5 P.M. The goal of the Veteran's Services Officer is to act as a liaison between veterans and the Veteran's Administration Department, as well as create public awareness of available benefits to those in need. Funding for the Veteran's Service Officer is authorized by the Amador County Board of Supervisors, while the United States Government is financially responsible for the benefits provided to veterans (Veteran's Services, November 21, 2006).

#### **Responsible Agency:**

Veteran's Services  
11401 American Legion Drive  
Sutter Creek, CA. 95685  
Mail: 810 Court Street  
Jackson, CA 95642-2132  
(209) 267-5764

## **Justification/Jurisdiction:**

California Penal Code §925: "The grand jury shall investigate and report on the Operations, accounts, and records of the officers, departments, or functions of the county..." (California Law, n.d.).

## **Method of Evaluation:**

The 2008 – 2009 Amador County Grand Jury's review of the ACVSA consisted of the following:

### **Tours and Interviews:**

- Interview of current Veteran's Services Officer
- Tour of American Legion Post #108

### **Reviewed Official Website:**

- Amador County Veteran Services Online

## **Facts:**

1. Any Armed Forces personnel that have been honorably discharged are eligible to apply for services.
2. The most requested service, and greatest need, are health care benefits.
3. The Veteran's Office has an open door policy that allows any veteran to walk in and apply for services.
4. There are three Regional Offices for processing requests in the State of California; Oakland, Los Angeles, and San Diego.
5. In the State of California, there are 533 American Legion posts and 136,000 members. The estimated number of veterans living in Amador County is 4,100. Nearly 1,500 of those veterans are members in the local American Legion Post #108. Post #108, in Amador County, is the third largest in the State.
6. Local veterans utilize three major veteran's hospital facilities located in Mather, Reno, and Palo Alto.
7. The Veteran's Services Officer can assist in comprehensive benefit counseling, claim preparation, case management, and appeal assistance when appropriate.

8. The Veteran's Services Officer can also assist with primary entitlements such as death pensions for surviving spouse and children, vocational rehabilitation, and burial benefits.

### **Findings:**

1. A dedication plaque honoring local veterans was a gift to the community from local veterans' donations. The Amador Veteran's Memorial Bridge plaque is located on Highway 49 between Drytown and Amador City.
2. There are approximately 30 veterans seen in the office each week. In addition, there are phone calls and support visits for both veterans and their dependents.
3. There has been a noticeable increase in requests for services.
4. There are no personnel available to keep the office open when the current Veteran's Services Officer is away for training, meetings, or home visits.
5. Some available benefits are not utilized to their full potential. This is due to poor dissemination of information for those who are eligible, such as funding for education.

### **Recommendations:**

1. Cross train a county employee to staff the ACVSA office when the current Veteran's Services Officer attends trainings, meetings, or makes home visits (Finding 4).
2. Utilize local media and service organizations as a means to educate the public about veteran benefits that are available. Volunteers from the local Legion Post #108 could be trained to assist in presentations to; the community, service organizations, and college bound high school students. They could clarify what services are available to honorably discharged veterans and their dependents. This would help the ACVSA goal of assuring that all eligible veterans, and their dependents, receive the benefits to which they are entitled (Finding 5).

### **Response Required:**

Pursuant to California Penal Code §933(c) response to this report is required, "No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations..." (California Law, n.d.).

## **References:**

American Legion. (1996-2008). American Legion Homepage. Retrieved on March 13, 2009 at <http://www.legion.org/homepage.php>

California Grand Jury Association (CGJA). (2007). California Penal Code Section No. 925. Article 2: Investigation of County, City and District affairs. Grand Jurors Training Seminar Manual. Lew Avera, San Clemente, CA.

California Law. (n.d.). Penal Code Section 925-933.6: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=57854428829+0+0+0&WAIAction=retrieve>

Officer, Veteran's Services. (2009). Veteran's Services Department. Amador County, California.

Veteran's Services. (November 21, 2006). Services: Veteran's Services Department, Amador County, CA. Retrieved on March 5, 2009 at <http://www.co.amador.ca.us/depts/veterans>

## **PLANNING AND ENVIRONMENT**

- **Amador Air District Investigation and Review**
- **Amador County Building Department Review**
- **Amador County Planning Department Review**



**AMADOR AIR DISTRICT INVESTIGATION AND  
REVIEW**

# **AMADOR COUNTY**

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## **2008-2009 Grand Jury**



### ***Amador Air District Investigation and Review***

#### **Introduction:**

The 2008-2009 Amador County Grand Jury elected to review the Amador Air District (AAD) office to determine their general policies and procedures, specifically as it relates to assessing fines.

#### **Background:**

Started in 1973, the AAD "...is the local agency responsible for watching over the air resources in Amador County. The responsibilities of AAD include; Commercial and Industrial Permitting and Inspections, Residential Burning, Agricultural, Prescribed, and other Burning, Complaint Response, Air Quality Planning, and Air Quality Monitoring, and Community Involvement and Education" (Amador Air District, 2001). The AAD manages to accomplish these responsibilities with a staff of three people, which is governed by a Board of Directors.

In an effort to make information readily available to the public, information has been posted on the AAD website at [www.amadorpcd.org](http://www.amadorpcd.org). In their focus on education, the AAD has links on their website for kids and teachers, to help improve the knowledge and understanding of air resources.

The grand jury's investigation and review resulted from a former grand jury member's personal experience with the AAD citing him for unauthorized burning. He questioned the validity of the fine he was asked to pay. He stated that he felt there was no real documented process in determining what a fine was and what the consequences were for not paying the fine. Upon further investigation, the grand jury noted that the AAD had never been reviewed and decided to both investigate the claim and do an overall review of the agency's processes and responsibilities.

#### **Justification/Jurisdiction:**

This investigation and review of the Amador Air District (AAD) was conducted by the Planning and Environmental Committee, pursuant to California Penal Code §925: "The grand jury shall investigate and report on the Operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created

pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.” (California Law, n.d.).

### **Responsible Agency:**

Amador Air District  
665 New York Ranch Rd., Suite 4  
Jackson, CA 95642  
(209) 257-0112

### **Method of Evaluation:**

The Planning and Environmental Committee’s investigation and review of the AAD consisted of the following:

#### Interviews:

- Interview with AAD Control Officer

#### Documents Reviewed:

- AAD Budget
- County Codes directing AAD operations

#### Reviewed Official Website:

- Amador Air District Online

### **Facts:**

1. The AAD was established in response to the Federal Clean Air Act of 1970, which mandated all the states to establish Air Pollution Control Districts (APCD) that would protect public health from the harmful effects of air pollution.
2. California, and many other states, established statewide agencies. In addition, each county was allowed to either establish its own air pollution control district or join a group of counties in establishing an Air Quality Control District (AQCD). The AAD’s files show that their district was established in 1973.
3. In addition to the California Air Resources Board (CARB), there are 35 APCDs or Air Quality Management Districts (AQMD) in California. CARB has oversight responsibilities for all these districts.
4. The purpose/mission of the AAD is to protect the public’s health from the harmful effects of air pollution through enforcement of its own set of rules and

regulations, which are based on both the U.S. Environmental Protection Agency (EPA) and CARB regulations.

5. The AAD is managed by an Air Pollution Control Officer who is appointed by a 10-member Board of Directors. The ten members of the Board of Directors is as follows; One City Council Member from each of the five incorporated cities and the Amador County Board of Supervisors.
6. Air pollution is created by human-generated air contaminants. This includes outdoor burning, businesses operating combustion or mechanical equipment which is vented to the atmosphere, and car emissions.
7. The State of California sets up the fine structure, but the individual amount of each fine levied is influenced by several factors and is determined by the Control Officer. These factors are as follows:
  - a) Intention: Did the person knowingly disregard regulations regarding burning or emissions? (The State Health and Safety Code cites if a person intentionally violates the law you could spend 6 months in jail and pay a fine of up to \$250,000.)
  - b) Negligence: Did the person knowingly ignore the regulations?
  - c) Ignorance: Was the person aware that they were doing wrong?
  - d) History: Has the person been fined before? If so, how often, for what, etc.
  - e) Material being burned: Extremely toxic vs. less harmful materials.
  - f) Criminal: Is the infraction is severe enough to warrant legal action?
  - g) Person's attitude: An individual who is abrasive, argumentative, and shows disregard for the law is likely to get little leniency in the assessment of the penalty.
8. Each infraction is determined on a case-by-case basis and can vary from \$100 to \$1000.
9. The AAD can assess both civil and criminal penalties for violations of its rules and regulations, depending upon the circumstances of the violation. Penalties under District rules can be \$25,000 and/or 12-months in the Amador County jail. The California Health and Safety Code allows the AAD to assess higher penalties, should a situation warrant such action.
10. The AAD issues operating permits to stationary sources annually. A minimum of one inspection per year is conducted in order to assure that permit recipients are operating in compliance with applicable rules, regulations, and specific permit conditions.
11. Burn days are determined by three agencies:
  - a) CARB: The Meteorology section provides their decision to the AAD each afternoon for the following day.

- b) CalFire: During wildfire season, CalFire can advise the AAD each afternoon if they have any fire issues for the following day.
  - c) AAD: If the Amador Air District receives no adverse information from either of these agencies a Permissive Burn Day is announced on the District's burn day information line. If ARB or CalFire have concerns about the weather or potential hazardous fire conditions, the AAD declares a No-Burn Day and puts the information on its burn day information line. If CARB and CalFire do not have any concerns about weather or fire hazard conditions but the AAD has a potential public health concern a No-Burn Day decision is declared
12. If even one of the three agencies says no to a burn day, a burn ban is initiated for that day.
  13. Daily notification of burn days, or other information from the agency, is disseminated to the public via telephone, written materials, person-to-person, and on the website.
  14. The AAD pays for, and maintains, the burn day information line. Each afternoon a staff member updates the message for the following day.
  15. The AAD provides information to the public in person at its office, through telephone calls, by US Mail, and via e-mail.
  16. The current fiscal year 2008-09 AAD operating budget is \$406,000.
  17. The agency has no budget for advertising in other media outlets, such as radio, T.V., or newspapers.
  18. There is currently no policy on smog control in Amador County. The county must have a clean air plan to give to CARB, but Amador County is so influenced by the Sacramento Valley that it impedes the AAD's ability to control the air quality. Currently under development, the Clean Air Plan for 2010 would need to be adopted by 2011.
  19. Maximum staffing for the AAD has been three full-time employees since 1991 one Air Pollution Control Officer, one Air Pollution Inspector, and one Administrative Assistant.
  20. There have been instances in which the agency was not completely staffed and two instances where the District only had one staff member.

**CODES:** District Rule §901.3. Penalty: A violation of the provisions of this Regulation, or of Section 41700 is a misdemeanor punishable by imprisonment in the County Jail not exceeding twelve (12) months or by fine not exceeding twenty-five thousand dollars (\$25,000.00) or both. Every day during any portion of which such violation occurs

constitutes a separate offense. (Sections 42400, 42400.1, 42400.2, 42400.5, 42402, 42402.1, 42402.2, and 42403)

HSC §42400.3. Knowing violations; Penalties (a) Any person who willfully and intentionally emits an air contaminant in violation of any provision of this part or any rule, regulation, permit, or order of the state board or of a district, pertaining to emission regulations or limitations is guilty of a misdemeanor and is punishable by a fine of not more than seventy-five thousand dollars (\$75,000), or imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.

(b) Any person who willfully and intentionally, or with reckless disregard for the risk of great bodily injury, as defined by Section 12022.7 of the Penal Code, to, or death of, any person, emits an air contaminant in violation of Section 41700 that results in any unreasonable risk of great bodily injury to, or death of, any person, is guilty of a public offense and is punishable by a fine of not more than one hundred twenty-five thousand dollars (\$125,000), or imprisonment in a county jail for not more than one year, or by both that fine and imprisonment. However, if the defendant is a corporation, the maximum fine may be up to five hundred thousand dollars (\$500,000).

(c) Any person who willfully and intentionally, or with reckless disregard for the risk of great bodily injury, as defined by Section 12022.7 of the Penal Code, to, or death of, any person emits an air contaminant in violation of Section 41700 that causes great bodily injury to, or death of, any person is guilty of a public offense, and is punishable by a fine of not more than two hundred fifty thousand dollars (\$250,000), or imprisonment in a county jail for not more than one year, or both that fine and imprisonment, or is punishable by a fine of not more than two hundred fifty thousand dollars (\$250,000), or imprisonment in the state prison, or by both that fine and imprisonment. If the defendant is a corporation, the maximum fine may be up to one million dollars (\$1,000,000).

(d) Each day during any portion of which a violation occurs constitutes a separate offense.

(e) This section does not preclude punishment under Section 189 or 192 of the Penal Code or any other provision of law that provides a more severe punishment.

(f) For the purposes of this section: (1) "Great bodily injury" means great bodily injury as defined by Section 12022.7 of the Penal Code. (2) "Imprisonment in state prison" means imprisonment in the state prison for 16 months, or two or three years. (3) "Unreasonable risk of great bodily injury or death" means substantial probability of great bodily injury or death.

## **Findings:**

1. Anyone wanting to burn must contact the AAD for appropriate burn permits or information.

2. The AAD has no money for advertising their services.
3. They are limited in their ability to improve vehicle pollution.
4. They are limited in their number of staff, regardless of any increases in responsibilities.
5. All disputes with fines can be brought to the attention of the Air Pollution Control Officer for discussion.
6. AAD welcomes public input regarding any agency improvements.

### **Recommendations:**

1. Additional personnel should be hired to include another full-time Inspector (Facts 19 & 20 and Finding 4).
2. Implement air monitoring equipment in additional locations to acquire more complete information on which to make more accurate decisions on burn days.
3. Reduce potential arbitrary influences in fine assessment by creating and publishing a specific breakdown of fines for each infraction (Facts 7, 8, & 9).
4. Acquire additional funds to update and improve the official website content (Facts 15 & 17 and Finding 2).

### **Response Required:**

Pursuant to California Penal Code §933(c) response to this report is required, “No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations...” (California Law, n.d.).

### **References:**

Amador Air District. (2001). 24 hour resource website. Retrieved on June 3, 2009 at <http://www.amadorapcd.org/>

California Law. (n.d.). Penal Code Section 925-933.6: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=57854428829+0+0+0&WAIAction=retrieve>

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**AMADOR COUNTY BUILDING DEPARTMENT**  
**REVIEW**

# **AMADOR COUNTY**

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## **2008-2009 Grand Jury**



### ***Amador County Building Department Review***

#### **Introduction:**

The 2008-2009 Amador County Grand Jury elected to do a review of the Amador County Building Department (ACBD), based on complaints that were filed against the department. In addition, the ACBD had not been reviewed in several years. The purpose of the review was to better understand the rules applied during the permit approval process, to determine if equal treatment is given to all applicants, permits, and contractors, and to gain a better understanding of the ACBD as a whole.

#### **Background:**

ACBD processes and issues building permits on a variety of projects, including; meters, plumbing, garages, out buildings, roofing, and general construction. The ACBD also provides field inspections of projects requiring construction or grading approval and enforces county and state building codes.

#### **Responsible Agency:**

Amador County Building Department  
County Administrator Office  
Mail: 810 Court Street  
Jackson, CA 95642-2132  
(209) 223-6422  
(209) 223-6637 Fax  
[www.co.amador.ca.us](http://www.co.amador.ca.us)

#### **Justification/Jurisdiction:**

This review was conducted by the Amador County Grand Jury's Planning and Environment Committee, pursuant to California Penal Code §925, "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county..." (California Law, n.d.).

## **Method of Evaluation:**

The 2008 – 2009 Amador County Grand Jury's review of the ACBD consisted of the following:

### Interviews and Tours:

- Interview of current Building Department Officer

### Documents Reviewed:

- Department Organizational Chart
- Department Budget
- Permit Application Part I
- General Information for Residential Building Permits
- Owner/Contractor Verification
- Land Use Agency (Fees)
- Single Family Dwelling Form
- 2007 Building Code
- Residential Final Inspection Checklist
- Code Check – Electrical Manual

### Reviewed Official Website:

- Amador County Building Online

## **Facts:**

1. The ACBD performs field inspections of projects requiring construction or grading approval.
2. The ACBD enforces county and state building codes, however, federal and state government agencies develop the code requirements.
3. The ACBD handles all building code compliance and plan reviews.
4. Building codes are available in the library or at the ACBD for purchase.
5. Building codes change about every three years.
6. The ACBD is currently using the 2007 Building Codes.
7. The Chief Building Official is in charge of staff, code enforcement officers, and any complaints.
8. The Chief Building Officer is hired by the Amador County Board of Supervisors. This position is under the direction of the County Administrator and Assistant Deputy Chief Administrative Officer.

9. Qualifications for the position of Chief Building Officer include job experience and a certification in building mechanics.
10. There are three levels of field Inspectors: Level I, Level II, and Level III.
11. The Inspector III receives inspection requests.
12. The ACBD budget is \$814,870.00.
13. All collected fees are sent to the Amador County Assessor's Office.
14. There is a handout available at the front desk of the ACBD with all of the published fees.
15. Each inspector uses a standardized checklist when performing inspections.

### **Findings:**

1. The amount of time to get building permits varies. Spring and summer can take up to six weeks to get plans approved, while the winter months are usually slower.
2. There is a time limit on the validity of plans. If no action is taken on the plans by the builder, after they have been submitted, a letter is sent by the ACBD notifying the individual that the plans are no longer valid.
3. Upon submission, the ACBD date stamps each plan and uses this date as a reference point for subsequent changes in ACBD rules.
4. When performing multiple inspections, different inspectors are sent in order to avoid any implication of preferential treatment by an inspector to any one person or project.
5. Citizens experiencing problems with an inspection or inspector should contact the Chief Building Officer with their issues.
6. Simple plans can be checked by anyone in the department. More complex plans are reviewed by the Chief Building Officer or Inspector III.
7. Qualifications to become a Building Inspector include at least one year experience and certification.
8. A handout, describing the process of getting plans approved, is available in the ACBD office and on their website.
9. If a customer asks for contractor referrals, the Chief Building Officer states the department does not offer any referrals. In the past, a list was used for referrals, but that list is no longer in use.

10. The Chief Building Officer also states that the department does not make referrals for engineering contractors.

### **Recommendations:**

1. Provide a clear, well defined, step-by-step application process that will help to eliminate the assumption of intentional long periods of time for plan approval (Findings 1 & 2).
2. Make better use of the ACBD's website to allow the public easier access to information (Finding 8).

### **Response Required:**

Pursuant to California Penal Code §933(c) response to this report is required, "No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations..." (California Law, n.d.).

### **References:**

Amador County California. (2008). Amador County Government Website. Retrieved on May 6, 2009 at <http://www.co.amador.ca.us>

California Law. (n.d.). Authority of Grand Jury. Penal Codes: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=20851920165+0+0+0&WAISaction=retrieve>

**AMADOR COUNTY PLANNING DEPARTMENT**  
**REVIEW**

# **AMADOR COUNTY**

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## **2008-2009 Grand Jury**



### ***Amador County Planning Department Review***

#### **Introduction:**

The 2008–2009 Amador County Grand Jury conducted a review the Amador County Planning Department (ACPD), pursuant to a complaint against the ‘Planning and Building Department’, received by the Planning and Environmental Committee. Upon further investigation, the complaint did not fall under the review of the Planning Department. When the Planning and Environment Committee could not locate evidence of a previous review of the ACPD they decided to conduct a review.

#### **Background:**

The ACPD oversees the general plan, zoning, sub-divisions, parcel maps, use permits, and code enforcement. The ACPD must ensure they are in compliance with the Williamson Act, as it relates to agricultural preservation. After the land is put into the Williamson Act, the Assessor’s Office is then responsible for taxation and reporting to the state. The ACPD is also responsible for ensuring that local mines are in compliance with the Surface Mining and Reclamation Act (SMARA). In addition, the department deals with issues relating to SMARA.

#### **Responsible Agency:**

Amador County Planning Department  
County Administrator Office  
Mail: 810 Court Street  
Jackson, CA 95642-2132  
Phone: (209) 223-6380  
[www.planning@co.amador.ca.us](http://www.planning@co.amador.ca.us)

#### **Justification/Jurisdiction:**

This review was conducted by the Amador County Grand Jury’s Planning and Environment Committee, pursuant to California Penal Code §925, “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county...” (California Law, n.d.).

## **Method of Evaluation:**

The 2008 – 2009 Amador County Grand Jury's Review of the ACPD consisted of the following:

Interviews:

- Interview of Planning Department Director

Reviewed Official Website:

- Amador County Planning Department Online

## **Facts:**

1. Each department oversees enforcement for the codes specific to their department.
2. Authority is set out in the Amador County Code and California State Law and is overseen by the Amador County Board of Supervisors.
3. The ACPD Director is also staffed to the Airport Land Use Plan and must ensure its implementation.
4. No licensing or certification is required to become the ACPD Director.
5. The ACPD reports to the Deputy Chief Administrative Officer (CAO).
6. There are five planning positions in the department; two Planner I, one Planner II, one Planner III, and one Sr. Administrative Assistant.
7. Due to budgetary constraints, the Planner III position is not currently filled.
8. There are multiple regulations and codes that the plans must abide by, including; set back limits, height limits, elevation, land use, health department standards, plumbing, septic, fire safety, and public work.
9. Some plans may need engineering approval, which can be obtained through a private engineer.
10. Smaller and simpler plans can be reviewed and approved by a Planner I or Planner II. Larger, more complex plans are reviewed by the department head or an engineer. Part of the fee is based on who is required to review the plans for approval.
11. Money can be refunded if the project is dropped early. The refund may be prorated.



## **Findings:**

1. The ACPD Director states that the department does not make recommendations for contractors.
2. According to the ACPD Director, the Amador County Building Department takes the greatest amount of time in the plan approval process.
3. In conjunction with the workload of the ACPD, there is an undetermined amount of time that is dedicated to the Plan Check process. This varies according to the volume and complexity of plans being reviewed. After completion, the application is routed to different departments; Public Utility, Fire, Cal Trans, etc. A staff review is done, followed by a technical review, which makes note of proposed conditions, gives project change recommendations, and provides an environmental review.
4. For general plan or zone variances, the ACPD only makes recommendations to the Amador County Planning Commission.
5. Anyone wishing to appeal the Amador County Commission's decision may do so by submitting a letter of appeal, along with the appropriate appeal fee, to the Clerk of the Board of Supervisors. The board gives a final decision. If that decision is not satisfactory to the general public it must be challenged in Civil Court.
6. The ACPD Director originally started as the ACPD Clerk, and consistently moved up within the department throughout each planner position.
7. Planner I is an entry level position. Two years experience as a Planner I is required to be promoted to a Planner II position
8. The Planner II position is a journeyman job. Many years of job experience are required to fully understand the many aspects of the job. The normal progression within the ACPD is two years as a Planner I, and two years as a Planner II.
9. The Planner III position is a lead position.
10. There is no Assistant Director position in the ACPD.
11. There are no specific certifications required to perform the ACPD positions, although there are certifications available.
12. The ACPD has a website, but it lacks definitive information.

### **Recommendations:**

1. Provide a more specific fee schedule (Fact 10).
2. Provide a clear, well defined, step-by-step application process (perhaps on the website, as well as in print). There exists some confusion as to the reason for the long approval process, and this will help to eliminate the assumption of intentional long periods of time for plan approval (Findings 2 & 3).
3. Make better use of the ACPD's website. This should provide helpful, informative, easy-to-access information for the public (Finding 12).

### **Response Required:**

Pursuant to California Penal Code §933(c) response to this report is required, "No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations..." (California Law, n.d.).

### **References:**

Amador County California. (2008). Amador County Government Website. Retrieved on May 6, 2009 at <http://www.co.amador.ca.us>

California Grand Jury Association (CGJA). (2007). California Penal Code Section No. 925. Article 2: Investigation of County, City and District affairs. Grand Jurors Training Seminar Manual. Lew Avera, San Clemente, CA.

California Law. (n.d.). Authority of Grand Jury. Penal Codes: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=20851920165+0+0+0&WAIAction=retrieve>

# **FOLLOW UP**

- **Follow up Report**

## **FOLLOW UP REPORT**

# **AMADOR COUNTY**

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## **2008-2009 Grand Jury**



### ***Follow Up Committee Report***

#### **Introduction:**

As part of the 2008-2009 Amador County Grand Jury Follow-up Committee project plan, a review was conducted of agency and public official responses to the Amador County Grand Jury findings and recommendations from 2007-2008. The purpose of this committee was to address the following:

- All required responses from 2007-2008 Amador County Grand Jury investigations were received.
- Inquire into the investigations in which required responses were not received.
- Document what, if any, recommendations made by the prior grand jury were implemented.
- Report to the public the response of agencies investigated in 2007-2008, whose response was received too late to include in the 2007-2008 Amador County Grand Jury Report.

#### **Background:**

The 2007-2008 Amador County Grand Jury investigated claims that the guidelines for the Amador County Unified School District (ACUSD) Emergency Preparedness Plan had not been updated since 2000-2001.

The 2008-2009 Amador County Grand Jury contacted several county agencies, pursuant to Penal Code §933.05, due to the tardiness of their responses. Subsequently, all responses were satisfactorily turned in (California Law, n.d.).

#### **Responsible Agency:**

Amador County Unified School District  
217 Rex Avenue  
Jackson, CA 95642  
(209) 223-1750

## **Justification/ Jurisdiction:**

California Penal Code “§933.05(a) for purposes of subdivision (b) of §933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

933.05. (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report (California Law, n.d.).

### **Method of Evaluation:**

The 2008-2009 Amador County Grand Jury's follow-up of the ACUSD response to the 2007-2008 investigation was intended to:

- Determine the reason for the untimely response to the 2007-2008 Amador County Grand Jury investigation.
- Assure that the recommendations resulting from the investigation by the 2007-2008 Amador County Grand Jury be brought forth and followed through on by the current grand jury members.
- Educate the ACUSD on proper protocol in regards to Amador County Grand Jury investigations, recommendations, and responses.

#### Individuals Interviewed;

- ACUSD Administrator and former Safety Officer
- Office of Emergency Services (OES)
- ACUSD Superintendent
- Local Law Enforcement Officials

#### Documents Reviewed:

- The ACUSD's response to the 2007-2008 Grand Jury Report
- The School Safety Plan for all ACUSD school sites
- The ACUSD's records of all the emergency drill for the 2008-2009 school year
- The Crisis Response Box partnering for safe schools
- The After Action Review 2002
- California Education Code 32280-32289
- ACUSD Emergency Preparedness Guidelines
- Plymouth Elementary S.E.M.S.
- ACUSD comprehensive school safety plan
- ACUSD Comprehensive School Safety Plan 2007-2008

### **Facts:**

1. Interviews with ACUSD employees have revealed that most but not all items addressed in the 2007-2008 Amador County Grand Jury Report have been addressed. It should be noted that a concerted effort has been made by the

ACUSD to correct the facts and recommendations put forth in that report. The following items are those left to be either addressed or completed.

2. Earthquake drills have not been performed once per school quarter, which is required in order to be in compliance with California Education Code 32282 B (II). It should be noted that some of these drills have been done, but not at all school sites, and not in the frequency required by law.
3. Fire drills have not been performed once per month, which is required in order to be in compliance with California Education Code 32001. It should be noted that some of these drills have been done, but not at all school sites, and not in the frequency required by law.
4. School Safety Plans have not been supplied to all Law Enforcement agencies, and Fire Departments.
5. When safety drills were performed at the school sites, not all Law Enforcement Departments and Fire Departments were invited to observe or evaluate these drills.

### **Recommendations:**

1. The 2009-2010 Amador County Grand Jury monitor the status of the ACUSD Safety programs.

### **Response Required:**

Amador County Unified School Superintendent and Amador County School Board must respond, pursuant to Penal Code Section 933, subdivision (c), and section 933.05 (as stated in the justification/jurisdiction section of this report).

### **References:**

California Law. (n.d.). Authority of Grand Jury. Penal Codes: California Codes. Retrieved on May 6, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=47121113818+0+0+0&WAIAction=retrieve>

California Law. (n.d.). Earthquake drills. Education Code 32282B (II): California Codes. Retrieved on June 12, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=87420717176+0+0+0&WAIAction=retrieve>



California Law. (n.d.). Fire Drills. Education Code 32001: California Codes. Retrieved on June 12, 2009 from Official California Legislative Information at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=87427917455+0+0+0&WALSaction=retrieve>

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THE ENFORCEMENT OF THE LAW”**



**2008 – 2009  
Amador County Grand Jury**

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**[www.amadorcourt.org/grandjury/grandjury.html](http://www.amadorcourt.org/grandjury/grandjury.html)**